

OFFICIAL ZONING AGENDA

VILLAGE OF PALMETTO BAY COUNCIL



VILLAGE OF PALMETTO BAY COUNCIL **MEETING OF TUESDAY, JULY 19, 2011**

CHRIST FELLOWSHIP CHURCH
8900 SW 168 STREET, PALMETTO BAY, FLORIDA

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 6:30 P.M., AND
ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE VILLAGE OF PALMETTO BAY COUNCIL SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE VILLAGE OF PALMETTO BAY COUNCIL BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COUNCIL BE GRANTED BY THE MAJORITY VOTE OF THE COUNCIL MEMBERS PRESENT.

THE NUMBER OF CORRESPONDENCE RECEIVED IN SUPPORT OF AN APPLICATION AND THE NUMBER OF CORRESPONDENCE RECEIVED AGAINST AN APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE VILLAGE OF PALMETTO BAY ZONING HEARING MEETING DATE FOR THIS COUNCIL.

SWEARING IN OF WITNESSES

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- 1. PALMER TRINITY PRIVATE SCHOOL, INC. (VPB-07-012) (PUBLIC HEARING REQUIRED)**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; ON REMAND FROM THE 11TH JUDICIAL CIRCUIT AFTER THE ISSUANCE OF THE MANDATE FROM THE CIRCUIT COURT'S ORDER OF FEBRUARY 11, 2011, IN THAT ACTION ENTITLED PALMER TRINITY V. VILLAGE OF PALMETTO BAY UNDER APPELLATE CASE NO: 10-259 AP; AMENDING RESOLUTION 2010-48, RELATING TO THE SPECIAL EXCEPTION AND A SITE PLAN MODIFICATION ON PROPERTY ZONED E-M; LOCATED IN PALMETTO BAY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Property Address: 7900 SW 176 Street and 8001 SW 184th Street, Palmetto Bay, Florida

Size of Lot: Approximately 55 acres

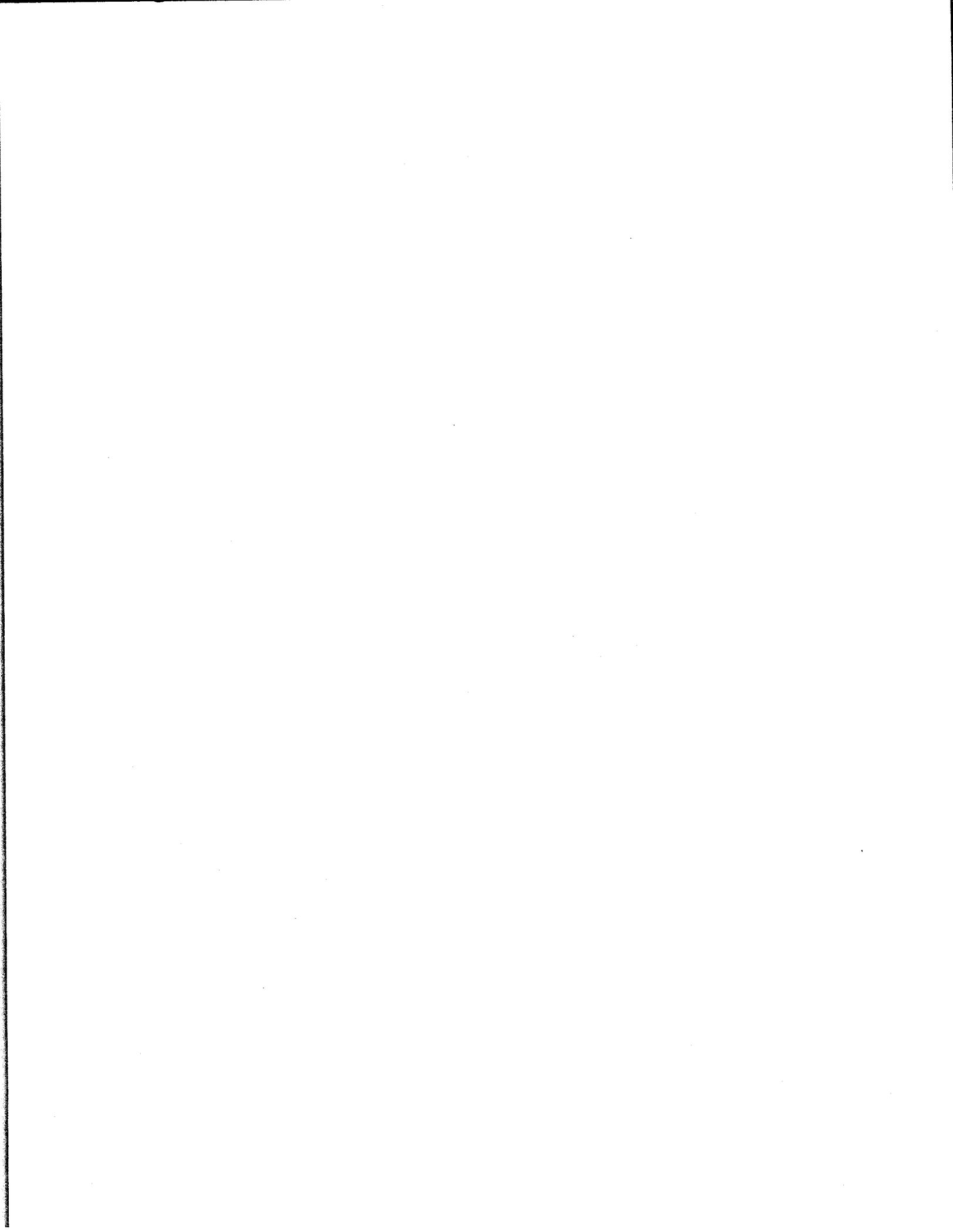
Current Zoning: Agricultural District (AG) and Estate Single Family Five-Acre District (E-2)

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Village of Palmetto Bay Council (VPB) are appealed to the Circuit Court. Appeals to Circuit Court must be filed within 30 days of the execution of the Village of Palmetto Bay resolution.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning & Zoning at 305-235-9344, or the Village Clerk at (305) 259-1234. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 375-5955.





To: Mayor and Village Council

Date: June 30, 2011

From: Eve A. Boutsis, Village Attorney

Re: Recusal and due process

Defining procedural due process:

Procedural due process, in the context of a quasi-judicial hearing, and review on appeal via a petition for certiorari, requires proper notice and a fair opportunity to be heard in the quasi-judicial process. See generally Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993) and Jennings v. Dade County, 589 So. 2d 1337 (Fla. 3rd DCA 1991). An individual's procedural due process rights are violated when a deprivation of a right has occurred without notice and an opportunity to be heard. Joshua v. City of Gainesville, 768 So. 2d 432 (Fla. 2000); LaChance v. Erickson, 522 U.S. 262, (1998); and Mathews v. Eldridge, 424 U.S. 319, 332-333 (1976). When assessing whether or not a violation of due process has occurred, "a court must first decide whether the complaining party has been deprived of a constitutionally protected liberty or property interest. Absent such a deprivation, there can be no denial of due process." Economic Dev. Corp. v. Stierheim, 782 F. 2d 952, 953-954 (11th Cir. 1986). The requirements of procedural due process are reasonable notice and a fair opportunity to be heard. These requirements are flexible concepts to be discerned from the facts of each case. There is no single, unchanging test which may be applied to determine whether the requirements of procedural due process have been met. Housing Authority of Tampa v. Robinson, 464 So. 2d 158 (Fla. 2d DCA 1985); and Logan v. Zimmerman Brush, Co., 455 U.S. 422 (1982).

There are several treatises on zoning and the exercise of police powers, including Antieau on Local Government, Second Edition (2011, Matthew Bender & Company, Inc.). As a general statement of law Antieau advises that "[i]t is a fundamental rule ... that a person appearing before a local administrative body is entitled to an impartial tribunal and that the denial of an impartial tribunal constitutes a denial of due process." Antieau, at section 26.07: Requirement of an Impartial Tribune at page 1. How an impartial tribunal is determined varies from state to state. For example, a Connecticut court found that no private conflict of interest should conflict with a public duty and should it interfere then, the tribunal is not impartial. Low v. Town of Madison, 60 A. 2d 690 (1948). Antieau also identifies that an elected official's direct pecuniary interest in a matter is a reason for recusal from the process as there cannot be a fair hearing under such a circumstance. Johnson v. Milk Mktg. Bd., 295 N.W. 346 (Mich. 1940). Bias is also considered another reason for recusal or disqualification of an elected official due to a perceived denial of due process. Barszcz v. Board of Trustees, 400 F. Supp. 675 (ND Ill. 1975).

A determination of recusal is up to the individual elected official as that official must determine whether s/he can be fair and impartial on the application. Such a determination does not preclude a court, in a certiorari action from finding that there was a violation of due process

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during the quasi-judicial hearing process. The determination as to procedural due process is a factual determination based upon the record and evidence presented during the hearing and during appellate review of the record.

State law relating to voting abstention:

The Florida Legislature created Section 112.313, of the Florida Statutes, relating to recognized conflict of interests and how an elected official is to recuse him/herself from a vote based upon a legally recognized conflict of interest. The state law encapsulates the legal requirement of recuse when an elected official has a direct pecuniary interest in a matter, or certain relationships with a party. Generally, no county, municipal or other local public officer (i.e. council person acting in a quasi-judicial capacity) can vote in an official capacity upon any measure that inures to the officer's "special private gain or loss" or to the special private gain or loss of any private entity by whom s/he is retained, or is retained by a relative or business associate of the elected official. Section 112.313 does not specifically address procedural due process during a quasi-judicial proceeding. It addresses those situations that are considered to be a legal conflict of interest. However, the case cited below does provide guidance relating to alleged person bias, not recognized under section 112.313. However, note Section 286.012, Florida Statutes, an officer may only abstain where there is or appears to be a conflict of interest under Sections 112.311, 112.313, 112.3143, Florida Statutes.

In George v. City of Cocoa, 78 F. 3d 494 (Fla. 11th Cir. 1996), the Federal District Court addressed a voting rights matter relating to a request for an elected person's abstention from a redistricting decision. The court ultimately reviewed and relied upon Section 112.313, Florida Statutes, and the mandatory abstention requirements of that statute, and cited to Izaak Walton League of America v. Monroe County, 448 So. 2d 1170 (Fla. 3d DCA 1984)(see below for further information on the Izaak Walton League case) for the rule that the statute does not apply to "bias or prejudice on the part of a public officer based on other than private economic interests or relationships. The court also cited to several Florida Commission on Ethics opinions for this same proposition, particularly Op. Fla. Comm. Ethics 79-14 (1979) holding that a City council member may not abstain from voting on matters involving his personal foe and stating that "it is clear that, when adopting the Code of Ethics, the Legislature was concerned primarily with the effect of public officials economic interests and relationship upon the performance of his public duties, rather than the effect of his personal preferences or animosities." Id. at 497. The court found that an "ideological victory is not the kind of 'special private gain' that disqualifies an elected official's vote." Id. The position of the federal court in George was also utilized by the Miami-Dade County Commission on Ethics and Public Trust in opinion C07-30, entitled In re: Frantz Pierre (Legal precedent in Florida holds that ideological gains are not the kind of special benefit that disqualifies an elected official from voting.).

Request for Recusal:

Counsel for Palmer Trinity has raised the issue of recusal. At the May 4, 2010 hearing Palmer Trinity filed a motion to recuse then Council Person Stanczyk. Palmer Trinity is currently raising the issue of procedural due process arguing that Council Person Joan Lindsay should be recused. Palmer Trinity argues that a Section 112.313 does not address an elected officials responsibilities as a quasi-judicial officer. As of this date no motion has been filed for recusal relating to the July 19th hearing. The Palmer Trinity motion filed in 2010 argues certain alleged facts relating to then Council Person Stanczyk (she spoke against Palmer Trinity's application in 1999, and Palmer Trinity accused her of bias based on the placement of her campaign signs and its belief of bias or prejudice). Palmer Trinity cited to the requirement that a quasi-judicial hearing should afford due process, provide basic fairness and an impartial decision maker. Below is a listing of the cases cited by Palmer Trinity:

1. State ex rel. Allen v. Bd of Public Instruction, 214 So. 2d 7 (Fla. 4th DCA 1968), which involved an administrative proceeding under the Florida Administrative Procedures Act (APA), and the application of a statute relating to disqualification of an elected person as to a hearing on discharge of teachers or relators. The sole use of this case is the citation to the fact that a quasi-judicial proceeding should be impartial. The remainder of the case addressed statutory requirements not applicable to elected Village officials who are not subject to the APA.
2. Pelle v. Diners Club, 287 So. 2d 737 (Fla. 3d DCA 1974), which in a trial over a credit card debt the defendant never received the opportunity to provide a defense. There is language in the opinion that states "it is fundamental that the constitutional guarantee of due process, which extends into every proceeding requires that the opportunity to be heard be full and fair, not merely colorable or illusive." *Id.* at 738. Palmer Trinity presented evidence and experts and extensive documentation during the May 4, 2010 hearing.
3. Cherry v. Bronson, 384 So. 2d 169 (Fla. 5th DCA 1980), in which the court held that a party is entitled to a fair hearing. As such, the court allowed a declaratory action to proceed despite the Plaintiff's failure to adhere to the doctrine of "exhausting administrative remedies" due to his allegations of partiality of one of the participants in the hearing process. As seen below, the proper review of a quasi-judicial proceeding is not through declaratory relief, but rather certiorari review. Florida Water Services Corp. v. Robinson, 856 So. 2d 1035, 1040 (Fla. 5th DCA 2003); Woodard v. State, 351 So. 2d 1096 (Fla. 3d DCA 1977).
4. Livingston v. State, 441 So. 2d 1083, 1087 (Fla. 1983) which dealt with the disqualification of a judge. Judges are to comply with a state law relating to disqualification in a criminal proceeding and is cited for the proposition that "the question of disqualification focuses on those matters from which a party to a proceeding may reasonably question a trier of fact's partiality rather than the quasi-judicial officer's own perception of his or her ability to act fairly and impartially."

5. Izaak Walton League of America v. Monroe County, 448 So. 2d 1170 (Fla. 3d DCA 1984), and acknowledges that the courts have previously expressed reluctance to require recusal in the context of legislative zoning hearings, and attempted to distinguish the case as being legislative and not quasi-judicial in nature. However, the rezoning request was for an individual's property, which due to the limited nature of the request would now be considered a quasi-judicial and not a legislative decision making process.

Palmer Trinity predominantly relied on cases that provided statutory requirements and standards relating to recusal and/or disqualification. Palmer Trinity did not address the requirements of the State Ethics Code, found at chapter 112, Florida Statutes, or Section 286.112, Florida Statutes, which requires elected officials to vote unless prohibited under Chapter 112, Florida Statutes.

Florida case law relating to requests for recusal and/or a finding of a violation of procedural due process rights:

As far as Florida case law relating to recusal due to a procedural due process claim, below is a listing of the cases and holdings from those cases as to procedural due process claims based upon bias or prejudice, and or holdings relating to this issue.

The Jennings ruling acknowledges that there should be a fair, impartial decision maker in a quasi-judicial zoning hearing. Moreover, a "participant in a quasi-judicial proceeding is clearly entitled to some measure of due process." Cherry Communications, Inc. v. Deason, 652 So. 2d 803 (Fla. 995) (while administrative proceedings need not match the judicial model, an impartial decision maker is a basic component of minimum due process); Charlotte County v. IMC - Phosphates Co., 824 So. 2d 298 (Fla. 1st DCA 2002) (an impartial decision maker is a basic component of minimum due process in an administrative proceeding).

"The issue of what process is due depends on the function of the proceeding as well as the nature of the interests affected." Florida Water Services Corp. v. Robinson, 856 So. 2d 1035, 1040 (Fla. 5th DCA 2003); Woodard v. State, 351 So. 2d 1096 (Fla. 3d DCA 1977). Review of a claim of bias and motivation by self-interest is to seek certiorari review of the decision and to present the due process claims to the circuit court. Robinson at 1040; Seminole Entertainment, Inc. v. City of Casselberry, (Rachel's I) 8111 So. 2d 693 (Fla. 5th DCA 2001); Seminole Enter. v. Casselberry, (Rachel's 2) 813, So. 2d 186 (Fla. 5th DCA), *rev. denied*, 835 So. 2d 269 (Fla. 2002), *Cert. denied*, 539 US 915 (2003).

In the Rachel's 1 and 2 cases, the applicant alleged bias and moved to disqualify the City Commission, and argued that it had been denied due process at the hearing. One elected official had run for office on a platform against Rachel's. Another Commissioner had participated in an undercover investigation of Rachel's by the City police department. The court, on a motion for a temporary injunction against the City held that Rachel's established "more than mere political

bias or an unfriendly political atmosphere. Rather, the evidentiary rulings by the mayor reflected a bias so pervasive "as to render the proceedings violative of the basic fairness component of due process." Rachel's I, 811 So. 2d at 697, cited in Robinson at 1140. The court then stayed proceedings so that the certiorari petition could be heard and the Circuit Court denied the petition and affirmed the City Commission decision, which caused the injunction to expire. Since then, the court has found that it would be improper to allow a temporary injunction hearing on such a matter, as the matter would be properly before the court in a petition for certiorari. Robinson at 1041. Similarly, in Robinson, the court found that a "writ of prohibition" could not issue to disqualify the board from considering an application, proper review is through a petition for certiorari. Id.

The Third District in Izaak Walton League v. Monroe County, 448 So. 2d 1170 (Fla. 3d DCA 1994) overturned a lower court decision that prevented local Commissioners from voting on a zoning appeal in a matter which they had stated opinions, citing the requirement that local officials vote. The court held that in the absence of a statute that permitted or required disqualification, the lower court had usurped the Commissioners from voting and stated:

It is fundamental to our system that the members of a county Commission or any governing body of a political subdivision who act in that capacity do not do so as judges - - subject to judicial canons and standards -- but rather, using the term it is Aristotelian sense, as politicians. Any supposed errors in the substance of their views or the manner in which their opinions are expressed are therefore ordinarily subject only to relief at the polls, not in the courts.

Id at 1171. The court went on to say that "the basic doctrine of the separation of governmental powers precludes judicial interference with the vote even of a Commissioner with an identifiable person interest in the particular issue. Id; see also City of Miami Beach v. Schauer, 104 So. 2d 129 (Fla. 3d DCA 1958), *cert. discharged*, 112 So. 2d 838 (Fla. 1959). The court continued its analysis, and stated:

the law is clear is clear that political officeholders may not be prevented from performing the duties they have been elected to discharge merely because, as occurred in this instance, they have previously expressed, publicly or otherwise, an opinion on the subject of their vote. This court has specifically so held ... in City of Opa Locka v. State ex rel. Tepper, 257 So. 2d 100 (Fla. 3d DCA 1972). There, the Opa Locka City Commission had unanimously requested City manager Tepper's resignation at an open meeting. ...[Appellant] argued bias and prejudice. On appeal, we reversed on the ground that the trial court had erroneously determined that the three Commissioners' predetermination to vote for the resolution removing the City manager either required or justified their recusal. ... Accordingly, the cases have almost unanimously declined even to consider disqualification of a responsible official merely because he has

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expressed, or even committed, himself publicly on a zoning issue before a formal vote has taken place. This is true both when the acts complained of are committed prior to the time the official takes office, Furtney v. Simsbury Zoning Commission, 271 S. 2d 319 (Conn. 1970) (Commissioner who, three years earlier, had expressed opinion supporting suitability of residential tract for shopping mall was not disqualified from hearing application to rezone property); Pearce v. Lorson, 393 S.W. 2d 851 (Mo. App. 1965) (fact that member of board which had revoked permit authorizing commercial use of residence had, before taking office, drafted and signed petition for change in zoning law precluding such use held insufficient to constitute grounds of bias or prejudice); and when his preconceived notions are aired during a political campaign. Thus, in City of Farmers Branch v. Hawnco, Inc., 435 S.W. 2d 288 (Tex. Civ. App. 1968), the court responded to the contention that the mayor and two councilmen who ran on a political platform opposing high density construction were disqualified from participating in the vote ... by stating: "We do not agree. Campaign promises made in political races do not disqualify the successful candidates from exercising the duties of their offices after the election. To so hold would mean that very few successful candidates for political office would be able to qualify for their office or to perform their official duties. Under our theory of government the voters desire and even demand to be informed as to how candidates stand on the issue of the campaign ... In any event public officials are not legally required to keep their campaign promises and whether they do nor not they are answerable to the voters at the next election, not to a particular private property owner."

The same rule applies when, as here, the official states his views on zoning questions or similar matters of community policy during his term of office. Binford v. Western Electric Co., 133 S.E. 2d 361 (1963) (claim that Commissioners passing upon application to rezone property had declared publicly that they favored such application in advance of proceedings held insufficient to void their action); Kramer v. Board of Adjustment, 212 A. 2d 153 (1965) (no inference of bias or prejudice drawn from fact that member of board which granted variance for hotel construction had endorsed political candidates adopting positions favorable to hotel's developer); City of Fairfield v. Superior Court of Solano County, 537 P. 2d 375, 382 (1975) ("A councilman has not only a right but an obligation to discuss issues of vital concern with his constituents and to state his views on matters of public importance.") (disapproving Saks & Co. v. City of Beverly Hills, 237 P. 2d 32 (1951)); compare and contrast Barbara Realty Co. v. Zoning Board of Review of Cranston, 128 A. 2d 342 (1957).

Id. at 1172, citing to Hawnco, 435 S.W. at 292. The court concluded "the same rule applies when, as here, the official states his views on zoning questions or similar matters of community policy during his term of office. Id. The court then analyzed section 112.313, Florida Statutes,

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relating to the statutory criteria for mandatory recusal by an elected official and found no violation of that law. See discussion, above under George v. City of Cocoa, 78 F. 3d 494 (1996)

In Ridgewood Properties, Inc. v. Dept. of Cmty. Affairs, 562 So. 2d 322 (Fla. 1990), the Secretary of DCA, under Fla. Administrative Procedures Act, was found potentially to be biased because he provided substantive testimony in the formal hearing on the specific item.

In Seminole Entm't v. City of Casselberry, 811 So. 2d 693, 696 (Fla. 5th DCA 2001), the court, citing to a US Supreme Court case, Hortonville Joint Sch. Dist. No. 1 v. Hortonville Educ. Ass'n, 426 U.S. 482 (1976), pointed out that there is authority for the proposition that mere political bias or an adverse political philosophy is not sufficient to invalidate a quasi-judicial proceeding or disqualify members of a municipal council.

City of Opa Locka v. State ex rel. Tepper, 257 So. 2d 100 (Fla. 3d DCA 1972) Appellant City Commissioners began a hearing to remove appellee City manager from office. Appellee, complaining of bias on the part of three-fifths of the City Commission, obtained a writ of prohibition against the hearing. The court reversed the writ and remanded. The court first explained that the interpretation given to the Charter of the City of Opa Locka, Fla., art. I, § 3 and art. II, §§ 9, 28, by the trial court would tend to defeat the Commissioner-manager form of government. The court held that courts should not interpret legislative acts so as to defeat the legislative purpose. The court next held that the resolution to remove appellee from office was a legislative, not quasi-judicial, act. The court held that it was error to consider appellant Commissioner's motivation for seeking appellee's removal. The issue was one of authority, not motive. Furthermore, the court held that the recusal provisions of Fla. Stat. ch. 120.09 were particularly inapplicable to City Commissions and should not be applied or construed to govern the legislative deliberations of City Commissions. In dicta, the court, in Izaak Walton, 448 So. 2d 1170, 1174 indicate that the Opa Lock case was arguably quasi-judicial.

The 18th Judicial Circuit in Florida Institute of Technology, Inv. v. City of Melbourne, Brevard County, Florida, Circuit Case no: 05-2001-AP-600016 (Fla. Cir. Ct. 2001), in a final order on a petition for certiorari, relating to procedural due process prong of the petition, stated (without citation to authority):

Another issue raised by [Petitioner] was the obvious bias and partiality of [the councilperson] and her participation in the proceedings. The court is not unmindful of the pressures that are placed on public officials. On one hand they are pressed to allow growth only if it is consistent with available roads and services. On the other hand, they are pressured by landowners who wish to develop their property in such a manner that results in the largest return of capital or pleasure, and still they are subject of pressure from the neighbors of property to be developed, who are quite understandably upset by the slightest change and use of adjoining vacant property. All these interests make it difficult to make a

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decision in cases such as this. However, being a member of City Council does carry certain responsibilities and one of those responsibilities is to follow the law and in a quasi-judicial proceeding, to be an impartial hearing officer. In this case [the council person] clearly showed bias and partiality in that she appeared at the Planning and Zoning Board and advocated against the proposed project, she marshaled opposition to the project to be presented to the Council and she appeared at the Department of Transportation hearing on the issue of a curbcut on [a] street. All of these add up to showing of bias on her part against the proposed project prior to the hearing. Based upon those factors, [the council person] should have disqualified herself as a participant in the proceeding. Fundamental due process requires that a person appearing before a public body is entitled to have the issues determined by an impartial panel. In any future proceedings on this particular project, [the council person] should disqualify herself and not participate in the proceedings.

Conclusion:

Based upon 112.313, Florida Statutes, and the holding in George v. City of Cocoa, Florida, 78 F. 3d 494 (Fla. 11th Cir. 1996), "bias or prejudice on the part of a public officer based on other than private economic interests or relationships and therefore does not require recusal under state law. The Third District Court of Appeal in Izaak Walton League v. Monroe County, 448 So. 2d 1170 (Fla. 3d DCA 1994) also found that a local Commissioner could not be precluded from voting on a zoning appeal in a matter which he had stated opinions, citing the requirements under 112.313, Florida Statutes, that local officials vote. The court held that in the absence of a statute that permitted or required disqualification, the lower court had usurped the Commissioners from voting. In reviewing the decision, it is important to note that the Third District found the decision of the City Commission to be a legislative action. However, precedent now indicates that a site specific rezoning application should be considered quasi-judicial in nature and not legislative. Board of County Comm'rs of Brevard County v. Snyder, 627 So.2d 469, 474 (Fla. 1993) ("Generally speaking, legislative action results in the formulation of a general rule of policy, whereas judicial action results in the application of a general rule of policy."). Additionally, the court cited to City of Opa Locka v. State ex rel. Tepper, 257 So. 2d 100 (Fla. 3d DCA 1972), and indicated that although, the court in that decision found the City Commission action to be legislative in nature, the decision was really quasi-judicial. The Third District in Izaak cited to City of Opa Locka as a supporting decision for the proposition that the Commissioner should not have been recused.

Ultimately, the decision whether an individual council person should recuse him/herself is a decision that elected official has to make pursuant to section 112.313, Florida Statutes, and if an elected official elects to abstain from a vote s/he has to file the appropriate, Florida Ethics Form 8B. Additionally, should an elected official determine s/he is biased and cannot be impartial during the hearing process that elected official may abstain from voting and recuse him/herself.

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Additionally, there is clear direction from the appellate court system as to what is a "conflict of interest" under state law. The Fourth District Court of Appeal in Fanizza v. State, Comm'n on Ethics, 927 So.2d 23 (Fla. 4th DCA 2006) ruled that there was no violation of law under Section 112.313, Florida Statutes. In this case, the attorney challenged the findings of conflict filed against her by the State Ethics Commission, claiming error. The appellate pane found no such conflict. As to the first case, the court found that the attorney's representation to resolve the attorney's fees and costs after her election did not create a continuing or frequently recurring conflict or one which would impede the full and faithful discharge of her public duties. Further, even if she had withdrawn as counsel in the first case and pursued her fees by retaining other counsel, she would still have had the conflict which required her to abstain from voting when the matter came before the City Council. In the second action, her involvement did not violate the statutory conflict of interest standards for public officials. Again, the court found that her involvement in the litigation did not create a continuing or frequently recurring conflict, nor did it impede the full and faithful discharge of appellant's public duties. All that the record showed was that she was unable to attend one private session at which the City Council and its lawyer discussed resolving the petition for certiorari. Finally, the case did not actually require her to miss any portion of even one public meeting.

There has been litigation in quasi-judicial matters relating to an alleged violation of procedural due process, and those decisions have been documented in this memorandum. There is one case that did find a violation of due process. In that decision from the 18th Florida Judicial Circuit, Florida Institute of Technology, Inv. v. City of Melbourne, Brevard, County, Florida, Circuit Case no: 05-2001-AP-600016, The court did find a violation of due process. As that decision was not again appealed, on a second tiered certiorari petition, that holding became law for that case. That case has no controlling precedential value in this district. It is unclear whether, if it had been appealed that the decision would have been upheld. A second tier certiorari petition is a review as to whether procedural due process was provided, and/or whether the essential requirements of law were adhered to. Florida Power and Light v. City of Dania, 761 So. 2d 1089, 1092 (Fla. 2000).



To: Mayor and Village Council

Date: June 29, 2011

From: Eve A. Boutsis, Village Attorney

Re: Quasi-Judicial Procedures

Below are the Village's enacted Code relating to disclosure of ex parte communications and the procedures for quasi-judicial proceedings. Please review these procedures and disclosure requirements prior to the July 19, 2011 hearing and be prepared to provide disclosures at the beginning of the hearing. In short, each council person should disclose any and all communications they have received while in office relating to the development application. The disclosure should identify the substance of the communication, who made the communication, how the communication was made, and whether the council person can remain impartial despite the receipt of the communication.

Staff has compiled all email communications received from Council Persons relating to the application. I have asked staff to compile, on a disk, all communications relating to the application from 2006 forward. The communications prior to the May 4, 2010 were previously produced prior to that hearing, and the 2008 hearings.

Over the past year I have continuously asked the Council to forward to the Clerk the communications they have been receiving from third parties relating to the application, and staff is compiling those disclosures as part of the record for the hearing on July 19th, 2011. I believe it impracticable for each council person to read into the record each one of those emails, letters and/or communications. Therefore, the documents will be produced on a disk, and the Council are to simply reference that disk, and the process in place each council person had relating to providing all disclosures, the diligence of each council person in doing the disclosure(s), and whether the communications were actually read or simply passed on for record keeping purposes, and whether each council person can remain impartial. Rather than paraphrase the requirements of our Ordinance, below I have provided the entire procedures and protocol and have bolded the disclosure requirements. Please review same.

Obviously any discussions with the Village Attorney and a council person are confidential. If any communications have been had with an expert, including a village expert, I recommend disclosure of that communication. Palmer Trinity has previously argued that such communications, without disclosure, is a violation of our ordinance.

Sec. 2-106. - Ex parte communications.

(a) *Intention.* Pursuant to F.S. § 286.0115, this section is intended to eliminate the presumption of prejudice that may result from ex parte communications with village council and board members and to permit site visits, the receipt of expert opinions, and the reading of mail and

other communications relating to applications for zoning and other land development orders, and appeals of administrative orders and code enforcement citations.

(b) *Definitions.* As used in this section, the following terms shall be defined as follows:

Applicant means an individual, corporation or other authorized representative, including the village staff, that files an application or an appeal which initiates a quasi-judicial proceeding.

Application means an application for a site-specific rezoning, variance, special exception, conditional use permit or other request for land development approval, an appeal of an administrative order or a denial of an application, as authorized by the village's land development regulations, or an appeal of a code enforcement citation.

Chair means the mayor, unless otherwise provided, and the chair person of any planning and zoning board, or code enforcement board.

Member means a village councilmember and a member of any planning and zoning board, or code enforcement board.

Public participant means a person who appears at any quasi-judicial hearing, including but not limited to a member of a homeowner's association, an officer or member of an environmental, homebuilding or development association, or a concerned citizen's organization, an official or employee of a governmental entity other than the village, a developer, a property owner, or an interested citizen, as well as any representative or attorney for any of the foregoing. A public participant does not include the applicant, a village official or village staff.

Quasi-judicial hearing means a public proceeding on an application for a zoning designation or map change, or any other land development permit, or an appeal from an administrative action on an application for a land development permit, substantial compliance determination, an appeal from a code enforcement citation, or any other matter in which the village is required by law to give notice and an opportunity to be heard to parties and adversely affected persons, to investigate facts, and to make findings of fact and conclusions of law.

Site visit means an inspection of the real property by a council or board member that is the subject of an application for a quasi-judicial order, determination or appeal. The mere act of driving by a site in the regular course of driving to a particular location, such as to work or shopping, which is not undertaken for the purpose of inspecting the particular property is not a site visit for purposes of this chapter.

Village official means a member of the village council or any board that is authorized to make findings of fact, conclusions of law and to enter an order on any application or appeal that requires a quasi-judicial hearing.

Village staff means an employee or agent of the village.

(c) *Ex parte communications between village officials, applicants and public participants.* If any person not otherwise prohibited by statute, charter, or ordinance communicates with any village official in any manner other than publicly at a quasi-judicial hearing regarding the merits of any matter on which action may be taken by the council or a board on which the village official is a member, the communication shall not create a presumption of prejudice provided that the following disclosure is made:

(1) A village official shall disclose the name of the communicator, and the time, place and substance of the communication. The disclosure shall be made a part of the record before final action is taken on the matter.

(2) A village official may read a written communication from any person; provided, however, a written communication that relates to a quasi-judicial action pending before the official shall be made a part of the record before final action is taken on the matter.

(3) A village official may communicate with an expert witness, village staff member, or consultant, conduct an investigation, make site visits and receive expert opinions regarding quasi-judicial action pending before him or her, provided that the activities and the existence of the investigations, site visits, or expert opinions are disclosed and made a part of the record before final action is taken on the matter.

(4) Disclosure, either written or oral, made pursuant to subsections (c)(1), (2), and (3) of this section must be made before or during the public meeting at which a vote is taken and must be made a part of the record. Persons who have opinions contrary to those expressed in the ex parte communication shall be given a reasonable opportunity to refute or respond to the communication.

Sec. 2-107. - Quasi-judicial hearing procedures.

(a) *Purpose.* It is the purpose of this section to provide a fair, open and impartial procedure for the conduct of quasi-judicial hearings by the village council, planning and zoning board, and code enforcement board. Unless otherwise provided by law, quasi-judicial hearings shall be conducted substantially as provided in this section.

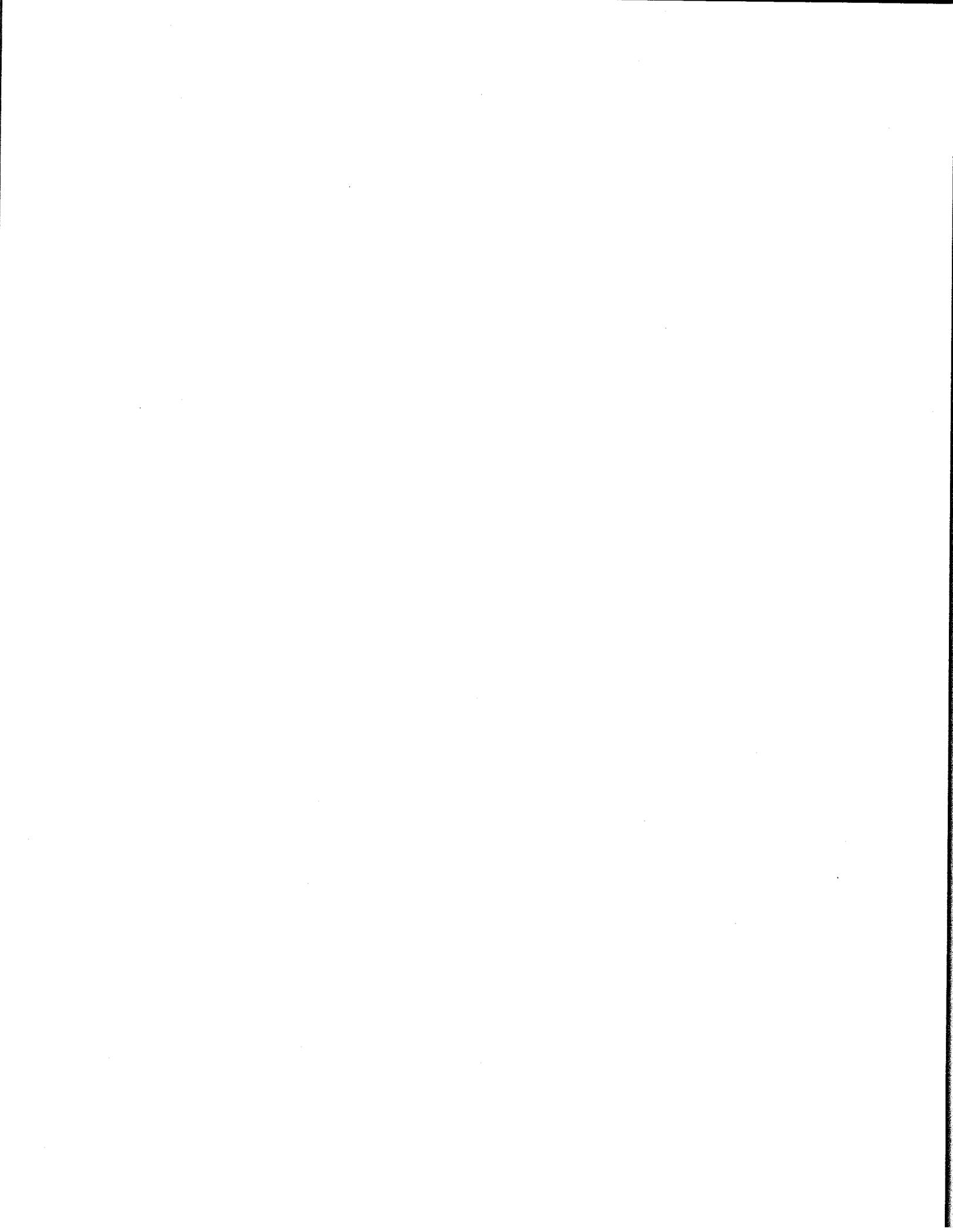
(b) *Proceedings.*

(1) *Legal representation.* Applicants may be represented by legal counsel. The village council, and the code enforcement board may be advised by the village attorney, special counsel or other designated counsel (collectively referred to as "village attorney").

(2) *Participants at hearings.* All persons who testify on any application must sign in and be sworn by the presiding officer, clerk or counsel. All persons testifying subject themselves to cross examination. Each person who addresses the village council, planning and zoning board, or code enforcement board, other than members of village staff, shall provide the following information: his, or her, name and address; state whether the person speaks on his, or her, own behalf, or on behalf of another person, association or entity (third party); if the person represents a third party, the person shall also identify the third party and whether the person is authorized to speak on its behalf and whether the view expressed by the speaker represents an established policy of the third party that has been approved by the principal or its governing body; and whether the person is, or will receive, compensation for appearing at the hearing, and whether the person or any immediate family member, or an entity in which he or she has a controlling interest, has a financial interest in the pending matter.

(c) *Conduct of hearing.* All quasi-judicial hearings shall be recorded by mechanical means. A court reporter may be retained and paid for by any interested person to transcribe the proceedings. Any person may order and pay for a transcript of the proceedings. The court reporter shall identify himself or herself to the village attorney before the hearing. The order of hearing shall be as follows:

- (1) The chair shall read a preliminary statement once at the beginning of the quasi-judicial public hearing agenda, announce the particular agenda item, and open the public hearing. The chair shall conduct the meeting, and all questions shall be asked through the chair;
 - (2) The applicant, witnesses, village staff and all participants asking to speak shall be sworn at the time the matter is brought on for hearing. Attorneys shall not be sworn unless an attorney intends to testify to facts or to offer an expert opinion;
 - (3) The chair shall decide any parliamentary objections and objections to evidentiary matters with the advice of the village attorney;
 - (4) The village staff shall present its report, which shall be made part of the record;
 - (5) The applicant shall present its case;
 - (6) Participants in support of the application shall present their testimony and any evidence;
 - (7) Opponents shall have the right to cross examine individual speakers;
 - (8) Opposition shall present their testimony and evidence;
 - (9) The applicant shall have the right to cross examine individual speakers;
 - (10) Members may ask questions of a speaker at any time through the chair;
 - (11) Village staff shall be given time for rebuttal if requested. Village staff shall have the right to cross examine the applicant and others participants who present testimony and evidence and shall be subject to cross examination;
 - (12) The applicant shall be provided time for rebuttal if requested; and
 - (13) The chair shall close the public hearing. Members shall discuss the matter in public, make or accept proposed findings of fact and conclusions of law, and render a decision. No further presentations or testimony shall be permitted unless directed by the village attorney.
- (d) *Record of the hearing.* Following the final disposition of the application or appeal, all evidence admitted at the hearing, the application or appeal file, staff reports, the approved order and ex parte disclosures shall be maintained in a separate file which shall constitute the record on the matter. The record will be made available to the public for inspection upon request at any time during normal business hours.





**OFFICE OF THE ATTORNEY GENERAL
Opinions Division**

STATE OF FLORIDA

**PAM BONDI
ATTORNEY GENERAL**

**PL 01 The Capitol
Tallahassee, Florida 32399-1050
Telephone (850) 245-0158
Fax (850) 922-3969**

February 10, 2011

Ms. Eve A. Boutsis
Palmetto Bay Village Attorney
18001 Old Cutler Road, Suite 533
Miami, Florida 33157

Dear Ms. Boutsis:

You have requested the opinion of both this office and the Florida Commission on Ethics as to whether an elected village council member has a voting conflict of interest under the factual scenarios you set forth in your letter.

As you note, section 112.3143(3)(a), Florida Statutes, provides:

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.¹

Questions, however, as to what constitutes a "conflict of interest" as that term is used in the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes, should be submitted to the Florida Commission on Ethics, which has the authority to interpret the provisions of the Code of Ethics. See section 112.322(3), Florida Statutes. As stated in this office's statement concerning Attorney General Opinions, a copy of which is enclosed, when an opinion request is received on a

Ms. Eve A. Boutsis
Page Two

question falling within the statutory jurisdiction of some other state agency such as the Florida Commission on Ethics, the Attorney General will transfer the request to that agency or advise the requesting party to contact the other agency. Thus, by contacting the Florida Commission on Ethics, you have contacted the appropriate body to respond to your inquiry.

Thank you for considering this office as a source of assistance.

Sincerely,



Joslyn Wilson
Assistant Attorney General

JW/tsh

Enclosure: Statement Policy

¹ And see s. 286.012, Fla. Stat., providing:

No member of any state, county, or municipal governmental board, commission, or agency who is present at any meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of s. 112.311, s. 112.313, or s. 112.3143. In such cases, said member shall comply with the disclosure requirements of s. 112.3143.

DEPARTMENT OF LEGAL AFFAIRS

Attorney General Opinions

I. General Nature and Purpose of Opinions

Issuing legal opinions to governmental agencies has long been a function of the Office of the Attorney General. Attorney General Opinions serve to provide legal advice on questions of statutory interpretation and can provide guidance to public bodies as an alternative to costly litigation. Opinions of the Attorney General, however, are not law. They are advisory only and are not binding in a court of law. Attorney General Opinions are intended to address only questions of law, not questions of fact, mixed questions of fact and law, or questions of executive, legislative or administrative policy.

Attorney General Opinions are not a substitute for the advice and counsel of the attorneys who represent governmental agencies and officials on a day to day basis. They should not be sought to arbitrate a political dispute between agencies or between factions within an agency or merely to buttress the opinions of an agency's own legal counsel. Nor should an opinion be sought as a weapon by only one side in a dispute between agencies.

Particularly difficult or momentous questions of law should be submitted to the courts for resolution by declaratory judgment. When deemed appropriate, this office will recommend this course of action. Similarly, there may be instances when securing a declaratory statement under the Administrative Procedure Act will be appropriate and will be recommended.

II. Types of Opinions Issued

There are several types of opinions issued by the Attorney General's Office. All legal opinions issued by this office, whether formal or informal, are persuasive authority and not binding.

Formal numbered opinions are signed by the Attorney General and published in the Annual Report of the Attorney General. These opinions address questions of law which are of statewide concern.

This office also issues a large body of informal opinions. Generally these opinions address questions of more limited application. Informal opinions may be signed by the Attorney General or by the drafting assistant attorney general. Those signed by the Attorney General are generally issued to public officials to whom the Attorney General is required to respond. While an official or agency may request that an opinion be issued as a formal or informal, the determination of the type of opinion issued rests with this office.

III. Persons to Whom Opinions May Be Issued

The responsibility of the Attorney General to provide legal opinions is specified in section 16.01(3), Florida Statutes, which provides:

Notwithstanding any other provision of law, shall, on the written requisition of the Governor, a member of the Cabinet, the head of a department in the executive branch of state government, the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, or the Minority Leader of the Senate, and may, upon the written requisition of a member of the Legislature, other state officer, or officer of a county, municipality, other unit of local government, or political subdivision, give an official opinion and

legal advice in writing on any question of law relating to the official duties of the requesting officer.

The statute thus requires the Attorney General to render opinions to "the Governor, a member of the Cabinet, the head of a department in the executive branch of state government, the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, or the Minority Leader of the Senate"

The Attorney General may also issue opinions to "a member of the Legislature, other state officer, or officer of a county, municipality, other unit of local government, or political subdivision." In addition, the Attorney General is authorized to provide legal advice to the state attorneys and to the representatives in Congress from this state. Sections 16.08 and 16.52(1), Florida Statutes.

Questions relating to the powers and duties of a public board or commission (or other collegial public body) should be requested by a majority of the members of that body. A request from a board should, therefore, clearly indicate that the opinion is being sought by a majority of its members and not merely by a dissenting member or faction.

IV. When Opinions Will Not Be Issued

Section 16.01(3), Florida Statutes, does not authorize the Attorney General to render opinions to private individuals or entities, whether their requests are submitted directly or through governmental officials. In addition, an opinion request must relate to the requesting officer's own official duties. An Attorney General Opinion will not, therefore, be issued when the requesting party is not among the officers specified in section 16.01(3), Florida Statutes, or when an officer falling within section 16.01(3), Florida Statutes, asks a question not relating to his or her own official duties.

In order not to intrude upon the constitutional prerogative of the judicial branch, opinions generally are not rendered on questions pending before the courts or on questions requiring a determination of the constitutionality of an existing statute or ordinance. Opinions generally are not issued on questions requiring an interpretation only of local codes, ordinances or charters rather than the provisions of state law. Instead such requests will usually be referred to the attorney for the local government in question. In addition, when an opinion request is received on a question falling within the statutory jurisdiction of some other state agency, the Attorney General may, in the exercise of his or her discretion, transfer the request to that agency or advise the requesting party to contact the other agency. For example, questions concerning the Code of Ethics for Public Officers and Employees may be referred to the Florida Commission on Ethics; questions arising under the Florida Election Code may be directed to the Division of Elections in the Department of State.

However, as quoted above, section 16.01(3), Florida Statutes, provides for the Attorney General's authority to issue opinions "[n]otwithstanding any other provision of law," thus recognizing the Attorney General's discretion to issue opinions in such instances.

Other circumstances in which the Attorney General may decline to issue an opinion include:

- questions of a speculative nature;
- questions requiring factual determinations;
- questions which cannot be resolved due to an irreconcilable conflict in the laws although the Attorney General may attempt to provide general assistance;

questions of executive, legislative or administrative policy;
matters involving intergovernmental disputes unless all governmental agencies
concerned have joined in the request; moot questions;
questions involving an interpretation only of local codes, charters, ordinances or
regulations; or
where the official or agency has already acted and seeks to justify the action.

V. Form In Which Request Should Be Submitted

Requests for opinions must be in writing and should be addressed to:

Bill McCollum
Attorney General
Department of Legal Affairs
The Capitol
Tallahassee, Florida 32399-1050

The request should clearly and concisely state the question of law to be answered. The question should be limited to the actual matter at issue. Sufficient elaboration should be provided so that it is not necessary to infer any aspect of the question or the situation on which it is based. If the question is predicated on a particular set of facts or circumstances, these should be fully set out.

The response time for requests for Attorney General Opinions has been substantially reduced. This office attempts to respond to all requests for opinions within 30 days of their receipt in this office. However, in order to facilitate this expedited response to opinion requests, this office requires that the attorneys for public entities requesting an opinion supply this office with a memorandum of law to accompany the request. The memorandum should include the opinion of the requesting party's own legal counsel, a discussion of the legal issues involved, together with references to relevant constitutional provisions, statutes, charter, administrative rules, judicial decisions, etc. Input from other public officials, organizations or associations representing public officials may be requested. Interested parties may also submit a memorandum of law and other written material or statements for consideration. Any such material will be attached to and made a part of the permanent file of the opinion request to which it relates.

VI. Miscellaneous

This office now provides access to formal Attorney General Opinions through a searchable database on the Attorney General's Internet home page at:

<http://myfloridalegal.com/>

Persons who do not have access to the Internet and wish to obtain a copy of a previously issued formal opinion should contact the Florida Legal Resource Center of the Attorney General's Office. Copies of informal opinions can be obtained from the Opinions Division of the Attorney General's Office.

As an alternative to requesting an opinion, officials may wish to use the informational pamphlet prepared by this office on dual office-holding for public officials. Copies of the pamphlet can be obtained by contacting the Opinions Division of the Attorney General's Office. In addition, the Attorney General, in cooperation with the First Amendment Foundation, has prepared the Government in the Sunshine Manual which explains the law under which Florida ensures public access to the meetings and records of state and local government. Copies of this manual can be obtained through the First Amendment

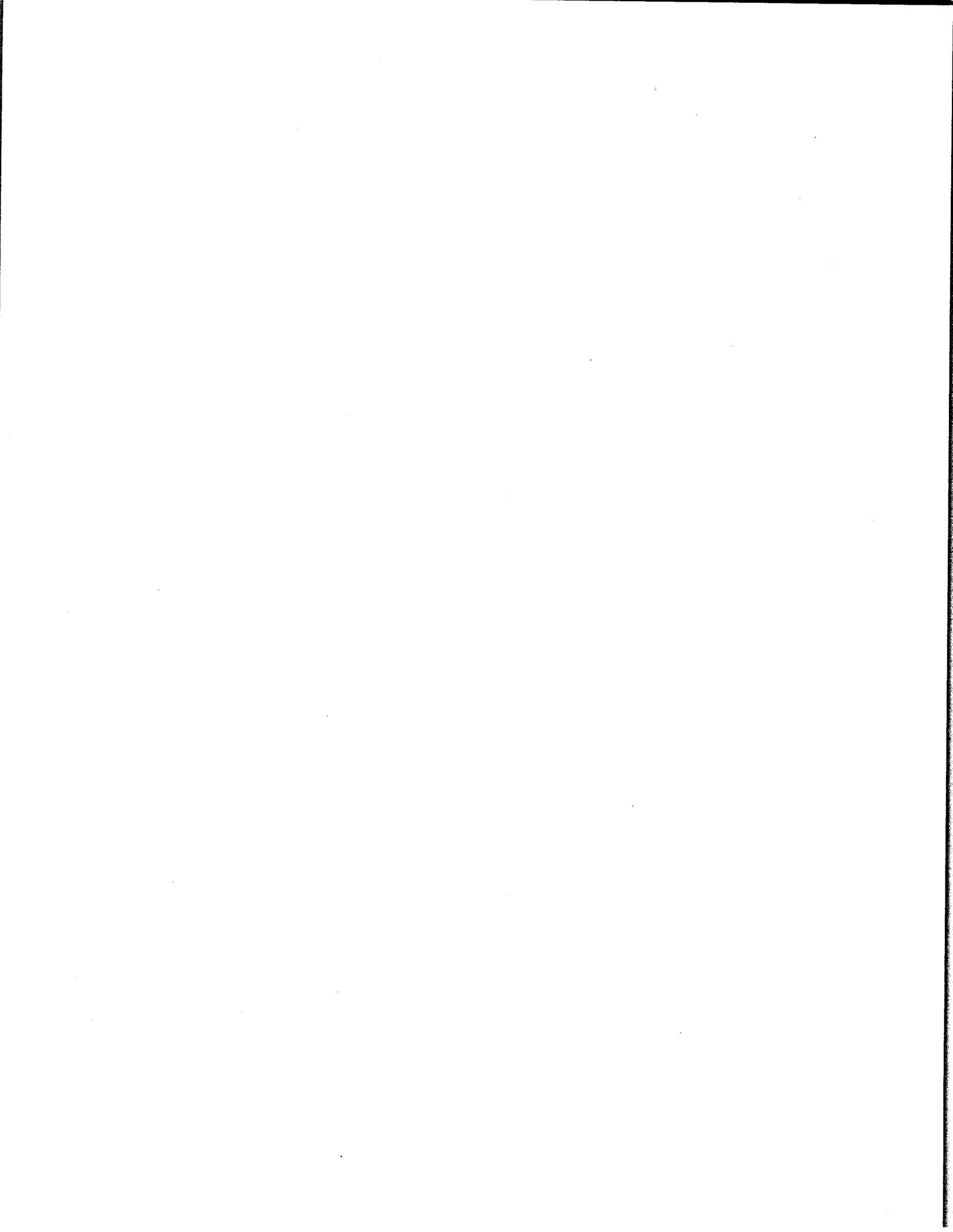
Foundation.

Please visit our searchable database of attorney general advisory opinions.

Order form for Attorney General Reports.

Officials may wish to use the informational pamphlet prepared by this office on dual officeholding.

Additional information may be obtained by contacting the Opinions Section of the Attorney General's Office at 850-245-0158.



Roy Rogers
Chair
Robert J. Sniffen
Vice Chair
Morgan R. Bentley
Cheryl Forchilli
I. Martin Ford
Jean M. Larsen
Susan Horovitz Maurer



State of Florida
COMMISSION ON ETHICS
P.O. Drawer 15709
Tallahassee, FL 32317-5709

Philip Claypool
Executive Director

Virliadia Doss
Deputy Executive Director

(850) 488-7864 Phone
(850) 488-3077 (FAX)
www.ethics.state.fl.us

3600 Maclay Blvd., South, Suite 201
Tallahassee, FL 32312

February 21, 2011

Eve A. Boutsis, Esquire
Village Attorney
18001 Old Cutler Road
Suite 533
Miami, Florida 33157-6416

Re: Your inquiry for Councilmember Lindsay¹

Dear Ms. Boutsis:

Philip Claypool, Executive Director and General Counsel of the Florida Commission on Ethics, has requested that I respond to your above-referenced inquiry.

Initially, it is noted that Ms. Lindsay's situation, as described in the information submitted, does not, under prior decisions of the Commission on Ethics and the courts, appear to create a prohibited conflict of interest for her under Section 112.313(7)(a), Florida Statutes. This is based on her interests being personal, not hired, their arising before her election to the Council, and her removing herself from rank-and-file membership in, and her removing herself from rank-and-file membership in, and offices and directorships of, interested organizations. See, for example, Fanizza v. State, Commission on Ethics, 927 So. 2d 23 (Fla. 4th DCA 2006).

¹ Thank you for supplying via email additional information. The additional information and the information in your original correspondence will be referred to, in material part, in answering your inquiry via this letter. If I have misunderstood the facts of your inquiry, please inform me; it is my intent to provide guidance herein to Ms. Lindsay, regarding the State ethics statutes.

Thus, going forward, the portion of the State Code of Ethics primarily at issue for Ms. Lindsay is the voting conflicts law applicable to local, elective public officers, such as Village Councilmembers, Section 112.3143(3)(a), Florida Statutes. The legal standard under the law is that Ms. Lindsay is required to orally announce her private interest(s) regarding a vote/measure of the Council prior to a vote being taken, is required to abstain from the vote, and is required to timely file CE Form 8B (memorandum of voting conflict), regarding votes/measures which would directly cause special private gain or loss to her, to her relative, to her employer/client, to her business associates², or to certain other persons or entities listed in the statute. However, whether this legal standard will apply to a given vote/measure will depend on the particular facts of the measure at the time of the vote.

Based on decisions of the Commission in situations arguably somewhat similar to that of Ms. Lindsay (see, for example, CEO 07-14 and CEO 07-15, Question 4), it appears that if a vote/measure of the Council would affect a lawsuit or matter in which she is a party (e.g., a vote to request rehearing by the Circuit Court, a vote to appeal the Court's decision, or a vote to send the underlying matter for a public hearing), that she should orally announce, abstain from voting, and file Form 8B. This is because such votes have the likely potential to cause her to have to keep litigating, to do away with her need to litigate further, or to cause her to have to pay costs or fees in maintenance of her end of the litigation, even if costs/fees are not payable by her as court sanctions.

Further, if the Council is presented with a vote/measure to settle the litigation or otherwise to settle the underlying matter, Ms. Lindsay should declare, abstain, and file, if the vote would affect a lawsuit or matter in which she is a party. However, if the vote would cause a land use or zoning result which would affect the private school but which would not cause an increase or decrease in the market value of Ms. Lindsay's property and which otherwise would not cause an economic type of effect on either Ms. Lindsay, her husband (relative), or any other person or entity listed in Section 112.3143(3)(a), then she apparently would not be presented with a voting conflict.

² "Business associate" is defined in Section 112.312(4), Florida Statutes.

Eve A. Boutsis, Esquire

February 21, 2011

Page 3

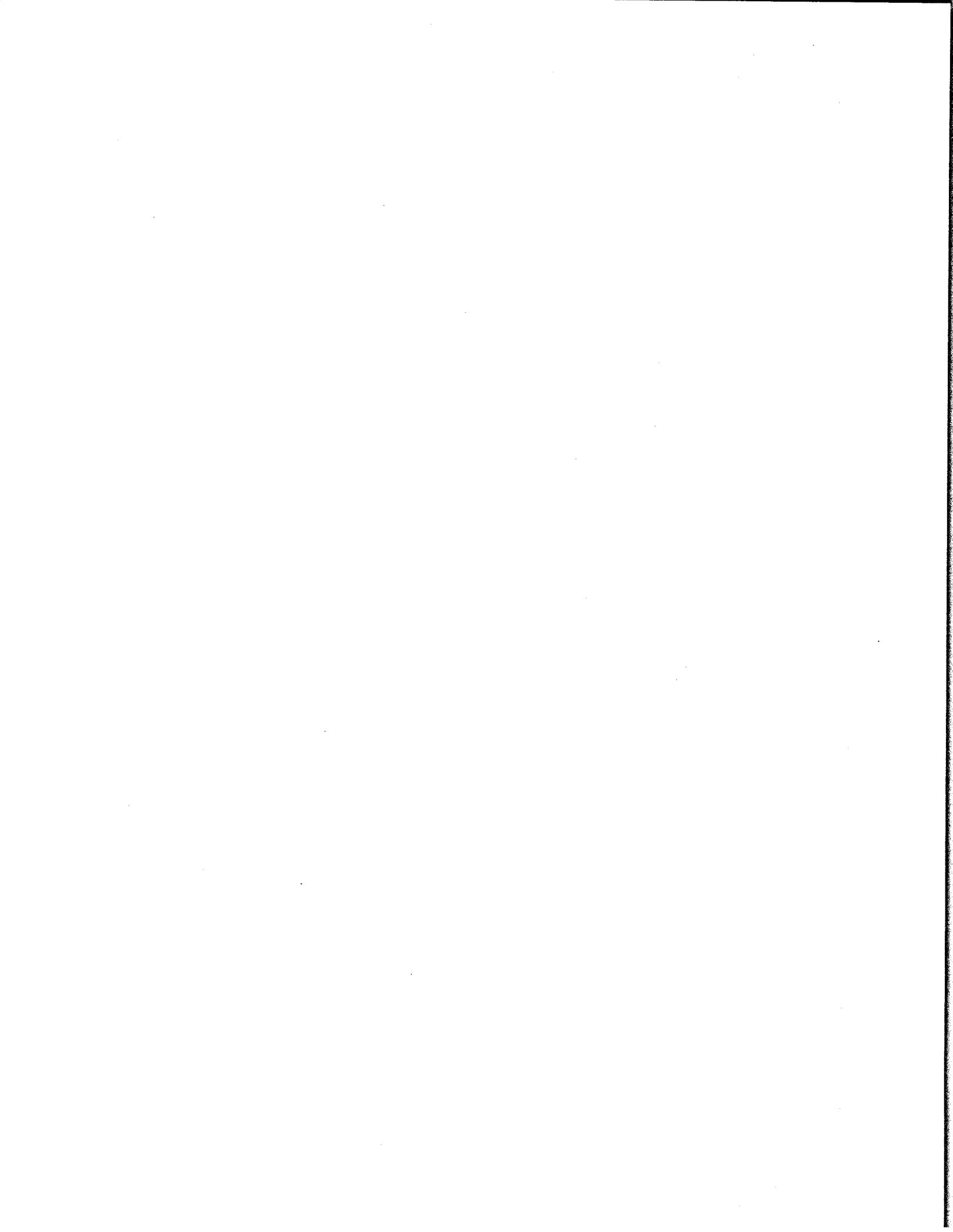
In sum, upcoming votes/measures should be evaluated by you and Ms. Lindsay with an eye toward whether the particular measure goes to litigation or matters in which she has a party status, or whether a particular measure would create a reality affecting her financial/economic interests or such interests of persons or entities connected to her as listed in the statute; these types of matters will trigger the requirements of the voting conflicts law. However, if a vote/measure only will result in a "moral victory," a win or loss for proper zoning law application, or a similar "intangible" effect for her or the listed others, then the law will not be triggered.

If particular measures/votes present themselves in the future and you or Ms. Lindsay would like additional guidance, please telephone me.

Sincerely,



C. Christopher Anderson, III
Chief Assistant General Counsel



Florida Attorney General Advisory Legal Opinion

Number: INFORMAL

Date: June 9, 2011

Subject: Abstention from voting

Mr. Edward Rodgers
Chairman, Palm Beach County
Commission on Ethics
2633 Vista Parkway
West Palm Beach, Florida 33411

Dear Mr. Rodgers:

On behalf of a majority of members of the Palm Beach County Commission on Ethics, you have requested our assistance in determining whether a member of a local commission on ethics who is present at a meeting of the board may abstain from voting on a measure to avoid creating an appearance of impropriety. Attorney General Bondi has asked me to respond to your letter.

Initially, I must advise you that this office is limited by section 16.01(3), Florida Statutes, to providing legal opinions on questions of state law. Thus, the discussion herein is based on an examination of statutes and case law involving section 286.012, Florida Statutes. This office has no authority to comment on the procedures established by local ordinance for the conduct of meetings or hearings of the Palm Beach County Commission on Ethics. You may wish to discuss your concerns with the county attorney who can more fully explore any procedures established in the ordinance or charter provision creating the commission and describing its procedures.

Section 286.012, Florida Statutes, provides:

"Voting requirement at meetings of governmental bodies.—No member of any state, county, or municipal governmental board, commission, or agency who is present at any meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of s. 112.311, s. 112.313, or s. 112.3143. In such cases, said member shall comply with the disclosure requirements of s. 112.3143."

Thus, the Legislature has determined that a member of a county board or commission may only abstain from voting "when, with respect to any such member there is, or appears to be, a possible conflict of interest under the provisions of" sections 112.311, 112.313, or 112.3143, Florida Statutes. It is a rule of statutory construction that express exceptions in a statute provide a strong inference that no other exceptions were intended.[1] The phrase "conflict of interest" as used in sections 112.311, 112.313, and 112.3143, Florida Statutes, means "a situation in which regard for a private interest tends to lead to disregard of a public duty or interest." [2] However, as this office has advised on a number of occasions, any question as to what fact situations may constitute a "conflict of interest" under this statutory definition must be directed to the Florida Commission on Ethics. [3]

An opinion of the Ethics Commission, citing opinions of this office, stated that "it is clear that, when adopting the Code of Ethics (which contains the statutes referenced in section 286.012), the Legislature was concerned primarily with the effect of a public official's economic interests and relationships upon the performance of his public duties. . . ." [4] This opinion was cited by the court in *Izaak Walton League of America v. Monroe County*, [5] in its holding that section 286.012, Florida Statutes, did not permit disqualification from voting of a county commissioner on the grounds of predisposition amounting to bias and prejudice.

I would note that other boards and commissions, including quasi-judicial administrative bodies, conduct quasi-judicial proceedings under section 286.012, Florida Statutes. In Attorney General Opinion 88-62, this office was asked to consider under what circumstances a member of a municipal code enforcement board could recuse himself. Once created, the board was required to adopt rules relating to the conduct of meetings, but the opinion points out that any such rules adopted by the board would be required to conform to section 286.012, Florida Statutes. The opinion reviewed the provisions of Chapter 162, Florida Statutes, for the creation of these quasi-judicial administrative boards and noted that nothing in that chapter provided for the disqualification of a member or members of the code enforcement board from consideration of matters coming before the board. Thus, the opinion concludes that a member of the code enforcement board may not disqualify himself from considering a matter before the board and that, as provided in section 286.012, Florida Statutes, a member who is present at a meeting must vote unless a conflict or interest exists or appears to exist.

While the Commission on Ethics has no jurisdiction to administer section 286.012, Florida Statutes, it has interpreted the "appears to be a possible conflict" language of that statute. As the Commission

advised in its letter to Mr. Farach of June 2, 2011, "non-economic bias or prejudice on the part of a public officer toward someone affected by a measure would not constitute a basis for a valid abstention pursuant to Section 286.012." [6] This office would concur in the Commission's analysis and conclusion.

Thank you for considering the Florida Attorney General's Office as a source for assistance in this matter. I trust that these informal comments will be helpful to you. This informal advisory opinion is provided in an effort to be of assistance. The comments expressed herein are those of the writer and do not constitute a formal Opinion of the Florida Attorney General.

Sincerely,

Gerry Hammond
Senior Assistant Attorney General

GH/tsh

[1] See *Biddle v. State Beverage Department*, 187 So. 2d 65 (Fla. 4th DCA 1966); and *State Road Department v. Levato*, 192 So. 2d 35 (Fla. 4th DCA 1966), cert. discharged, 199 So. 2d 714 (Fla. 1967).

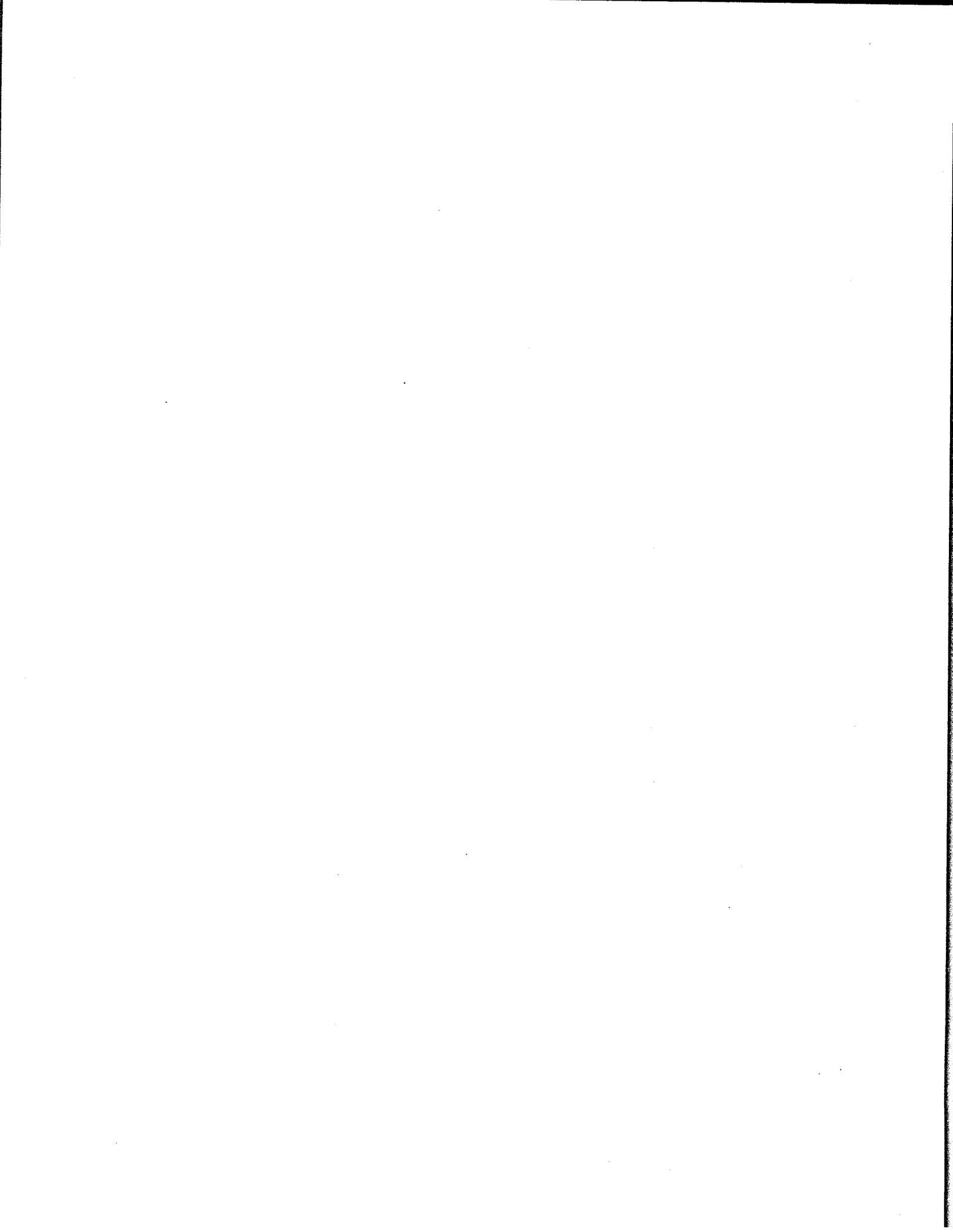
[2] Section 112.312(8), Fla. Stat.

[3] See e.g., Op. Att'y Gen. Fla. 87-17 (1987), 86- 61 (1986), and 85-40 (1985); and see s. 112.322(3), Fla. Stat., providing that public officers seeking interpretations of the Code of Ethics or the applicability of these statutes may request an advisory opinion of the Commission on Ethics.

[4] See CEO 79-14, dated March 22, 1979.

[5] 448 So. 2d 1170 (Fla. 3d DCA 1984).

[6] Letter to Manual Farach from Virilindia Doss, Florida Commission on Ethics, dated June 2, 2011.



ATTACHMENT A

FEBRUARY 11, 2011

11TH JUDICIAL CIRCUIT COURT

OPINION



Village of Palmetto Bay

ZONING ANALYSIS

APPLICANT: Palmer Trinity Private School, Inc.

PH: VPB-07-012-B

PROPERTY ADDRESS: 7900 SW 176th Street,

8001 SW 184th Street

ZIP CODE: 33157

SECTION: 34-55-40

HEARING DATE: July 19, 2011

REMANDED BY THE 11TH JUDICIAL CIRCUIT COURT

DATE ITEM LAST HEARD: May 4, 2010

COUNCIL DISTRICT: 3

ITEM: 1

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; ON REMAND FROM THE 11TH JUDICIAL CIRCUIT AFTER THE ISSUANCE OF THE MANDATE FROM THE CIRCUIT COURT'S ORDER OF FEBRUARY 11, 2011, IN THAT ACTION ENTITLED PALMER TRINITY V. VILLAGE OF PALMETTO BAY UNDER APPELLATE CASE NO: 10-259 AP; AMENDING RESOLUTION 2010-48, RELATING TO THE SPECIAL EXCEPTION AND A SITE PLAN MODIFICATION ON PROPERTY ZONED E-M; LOCATED IN PALMETTO BAY, FLORIDA; PROVIDED AN EFFECTIVE DATE.

A. REQUEST

An amendment to Resolution 2010-48, on remand from, the 11th Judicial Circuit Court after the issuance of the mandate from the Circuit Courts Order of February 11, 2011, whereby the Court quashed the conditions that (1) capped student enrollment at 900 and (2) restricted any further modification of the Palmer Trinity site plan for a period of thirty (30) years.

B. BACKGROUND

On May 4, 2010, the Council approved Resolution 2010-48 with conditions, granting a Special Exception and Modified Site Plan to Palmer Trinity (the Applicant) for a proposed private

school expansion on their existing 21.92 acre facility and the adjacent undeveloped 33.22 acre parcel. Palmer Trinity subsequently filed its appeal with the 11th Judicial Circuit Court acting in its appellate capacity those conditions which pertain to an enrollment cap of 900 students and to a 30 year prohibition limiting any future development of the property beyond the Site Plan approval bound by Resolution 2010-48. On February 11, 2011, a three Judge Panel unanimously ruled (Attachment A) the enrollment cap to be an arbitrary action of the Council as the evidence submitted at the Zoning Hearing did not support the Council's decision. They further found the 30 year site plan modification restriction to be "unreasonable" as it, "constitute[d] a departure from the essential requirements of law." Thus, Palmer Trinity prevailed as the Court quashed both items and remanded the petition back to the Council for corrective action. Subsequent Orders issued on March 3, 2011 and May 5, 2011 mandated enforcement of the original Order dated February 11, 2011(Attachment B).

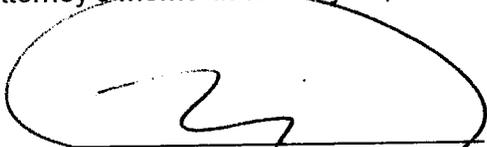
On May 18, 2011, the Village requested clarification of the 11th Judicial Circuit Court's Order as to what the scope of the subsequent public hearing may include when the Village Council convenes to take, as per the Court, "appropriate action to remove ... or otherwise render ... ineffectual" those conditions subject to the Palmer Trinity appeal. The Court's response on June 1, 2011 and included herein as Attachment C reaffirmed its prior Order of May 5, and Ordered the Village to "take no further action...inconsistent with [their May 5, 2011] Order."

C. ANALYSIS AND RECOMMENDATION

The above Background section is included in its entirety into this section herein by reference. Per the 11th Judicial Circuit Court's Orders referenced above, the only remaining action the Council should take is to "remove the two quashed conditions from the Resolution or otherwise render those conditions ineffectual **and take no further action** (emphasis added) that would be inconsistent with [the] Court's" Orders. Given the foregoing, it is incumbent upon staff to realign Condition 4.4 of staff's recommendation for approval as submitted with the original staff report as heard on May 4, 2010. That condition read as follows:

"4.4 Cap of Intensity of Uses and Student Population. Applicant shall limit future development and agrees that it shall not seek any further development approvals to increase the intensity of uses, to increase lot coverage, square footage, heights of structures, or exceed 1,150 students for 30 years following the recordation of this covenant. Specifically, no buildings shall exceed two (2) stories or a roof elevation of 35 feet in height measured from finished floor."

The language of Condition 4.4 is stricken from that report and student enrollment shall be as proposed by the applicant at 1,150 as per their Special Exception and Modification of Site Plan requests. Timing and growth of enrollment to the number of students shall continue to be governed per the phasing of the approved development as proposed in the application. In compliance with the 11th Judicial Circuit Court's Order, changes to Resolution 2010-48 should be modified as recommended by the Village Attorney's memo dated July 19, 2011.



Darby P. Delsalle, AICP
Planning and Zoning Director

NOT FINAL UNTIL TIME EXPIRES
TO FILE MOTION FOR REHEARING,
AND IF FILED, DISPOSED OF

Norma S. Lindsey
2-9-11
~~Joseph Farina~~ 2/10/11
Joel Brown
2/10/2011

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

APPELLATE DIVISION
CASE NO. 10-259 AP
ZONING RESOLUTION NO. 2010-48

PALMER TRINITY PRIVATE
SCHOOL, INC.,
Petitioner,

vs.

VILLAGE OF PALMETTO BAY,
Appellee.

2011 FEB 11 PM 12:11
MARIQUINE REBILAU
CLERK OF COUNTY COURTS
DADE COUNTY, FLA.
CIVIL #101

Opinion filed February 11, 2011

On appeal from a decision of the Village of Palmetto Bay, Florida.

Eileen Ball Mehta, Esq. for Petitioner.

Eve A. Boutsis, Esq. for Respondent.

Tucker Gibbs, Esq. for Intervenors, Concerned Citizens of Old Cutler, Inc. and
Betty Pegram.

Before JOEL BROWN, C.J., JOSEPH FARINA AND NORMA S. LINDSEY, JJ.

(PER CURIAM)

This appeal arises out of the adoption of Zoning Resolution No. 2010-48
(the "Resolution") by the Village of Palmetto Bay (the "Village"). Petitioner,
Palmer Trinity Private School, Inc. ("Palmer Trinity"), seeks by way of certiorari
review to quash and remove two provisions incorporated into Condition 4.4 of the

Resolution, specifically: (1) the cap on the permissible number of students at the school at 900; and (2) the imposition of a thirty-year (30) prohibition on the filing of any applications for development approvals on the school's 55-acre site. We have jurisdiction pursuant to Article V, Section 5, Florida Constitution, and Rules 9.030(c) and 9.100 of the Florida Rules of Appellate Procedure.

Palmer Trinity argues that the above provisions are unlawful and should be quashed and removed from the Resolution in that: (1) the cap on the number of students permitted at the school was arbitrary, not supported by competent substantial evidence, and departed from the essential requirements of law; and (2) the thirty-year prohibition on future development applications violated Palmer Trinity's due process rights because it constituted a *de facto* moratorium for which neither notice nor opportunity to be heard was given, that the Village departed from the essential requirements of law in approving the prohibition, and that the Village failed to support the thirty-year prohibition with substantial competent evidence.

The Village disagrees and seeks to dismiss Palmer Trinity's Petition. For the reasons set forth below, we QUASH the two provisions contained in the Resolution, as set forth above, adopted by the Village and REMAND to the Village with instructions to conduct further proceedings on this matter in accordance with this decision.

Procedural and Factual Background

Palmer Trinity has owned and operated a private school on 22.5 acres of land located within the Village ("Parcel A") for almost five decades. In 1988,

Palmer Trinity applied for and obtained approval of a modification of its site plan for the purpose of increasing its enrollment to 600 students. In 2003, Palmer Trinity purchased an additional 32.5 acres also located within the Village ("Parcel B") that was zoned half Agricultural ("AU") and half Estate Single Family per Five Acres ("EU-2"). Parcel B had an Estate Density Residential ("EDR") future land use designation, allowing for less than 2.5 dwelling units per acre. In 2006, Palmer Trinity filed an application (the "Application") under the Miami-Dade County Code to rezone Parcel B to Estate Modified Single Family allowing for one home per 15,000 square feet ("EU-M"). As part of the Application, Palmer Trinity also sought a special exception to increase the student enrollment from 600 to 1400 and certain variances concerning further development on both Parcel A and B. As a result of the incorporation of the Village as a municipality, the Application was transferred from the County to the Village.

In 2008, the Village held a hearing on the Application. Consideration of the rezoning request was bifurcated from the other requests in the Application. At the 2008 hearing, the Village adopted Ordinance 08-06 denying the requested rezoning. Palmer Trinity appealed this denial in a petition for certiorari review to the Circuit Court, acting in its appellate capacity, which upheld, without opinion, the Village's decision. Palmer Trinity then took an appeal to the Third District Court of Appeal which reversed the Circuit Court, thereby overturning the Village's denial of the rezoning request. *See Palmer Trinity Private School, Inc. v. Village of Palmetto Bay*, 31 So. 3d 260 (Fla. 3d DCA 2010) ("*Palmer I*").

After the Third District issued the decision in *Palmer I*, Palmer Trinity revised its plans, eliminating some of the previously requested non-use variances and reducing its requested student enrollment from 1400 to 1150. Palmer Trinity also voluntarily offered to expand its student population from 600 to 1150 in gradual increments over a fifteen year period. In addition, the proposed site plan was modified to reflect the reduced student enrollment request of 1150, the proposed new development on Parcel B was redesigned and relocated toward the center, setbacks were increased and additional landscaping was added.

On April 28, 2010, the Village conducted a public hearing on the first reading of the rezoning component of the Application. On May 4, 2010, the Village conducted a public hearing on second reading of the rezoning request and approved the rezoning by adopting Ordinance 2010-09. Also at that hearing, the Village heard the request for the special exceptions and site plan modification components of the Application.

Prior to the hearing, the professional staff of the Village (the "Village Staff") reviewed the Application and recommended approval with certain conditions (the "Recommendation"). The Recommendation contained a total of approximately 80 conditions, one of which, as set forth below, was included in the Resolution and forms the basis of this appeal. The Village Staff specifically recommended that Palmer Trinity's request for a special exception to expand the school onto Parcel B and to increase the student enrollment from 600 to 1150 be approved. The 900 number, which the Village later adopted, was not mentioned in the Recommendation.

As part of its Recommendation, the Village Staff included Condition 4.2, which required Palmer Trinity to “record an acceptable and approved restrictive covenant running with the land for specific conditions which covenant shall exist for 30 years, and automatically renew for 10 year periods, thereafter.” Condition 4.4 of the Recommendation further provides:

4.4 Cap on Intensity of Uses and Student Population.
Applicant shall limit future development and agrees that it shall not seek any further development approvals to increase the intensity of uses, to increase lot coverage, square footage, heights of structures, or exceed 1150 students for 30 years following the recording of this covenant. Specifically, no buildings shall exceed two (2) stories or a roof elevation of 35 feet in height measured from finished floor.

At the May 4, 2010 hearing, the Village’s Planning Director (the “Director”) presented the Recommendation. The Director stated that Condition 4.4 was “a condition running with the land as to conditions in perpetuity, no modifications as to uses, increases, increases as to square footage or students for 30 years.” (the “30 Year Prohibition”). Although various other individuals addressed the Village Council, there was no other testimony or evidence presented with respect to the 30 Year Prohibition. With respect to the 1150 student cap on enrollment, the Village’s expert traffic consultant, Joseph Corradino, reviewed the traffic study included in Palmer Trinity’s Application and recommended approval, finding that, based on 1150 students, the Application satisfied the relevant traffic level of service standards.

Palmer Trinity’s counsel objected to several of the conditions contained in the Recommendation, including Condition 4.4, which contained the 30 Year

Prohibition, as being "overreaching." Palmer Trinity's counsel then presented its requests for the special exceptions and introduced documentary evidence along with lay and expert witnesses.

The Village Attorney presented an Overview of Zoning Law as a guide to the Village Council. The County Manager also engaged special council who addressed the Village Council regarding their duties and obligations as quasi-judicial officers. The attorney for Concerned Citizens of Old Cutler, Inc. ("CCOCI") and Betty Ingram, Intervenors, presented argument and testimony from several individuals and introduced, Mr. Mark Alvarez, a planner, as an expert. Other individual witnesses spoke both for and against the Application. The Village Council then allowed Palmer Trinity an opportunity for rebuttal.

At the conclusion of the evidentiary portion of the hearing, the Village Council began its deliberations. Several amendments to the conditions recommended by the Village Staff were made. Council Person Stanczyk made a motion to reduce the number of students permitted to 900. This was the first time the number 900 was ever mentioned at the public hearing or in the entire record preceding the public hearing. Thereafter, the Mayor and Council Person Stanczyk had a brief discussion as to whether the 900 number was arbitrary. At the conclusion of the hearing on May 4, 2010, the Village adopted the Resolution with conditions, including the reduction in the number of students from 1150 to 900, with Council Member Stanczyk voting against. The only modification to the language of the version of Condition 4.4 contained in the Recommendation to the language in the version of Condition 4.4, as included in the Resolution, was the

reduction in the number of students permitted from 1150 to 900. The language providing for the 30 Year Prohibition on Palmer Trinity's ability to seek further development approvals remained the same. Specifically, Condition 4.4 in the Resolution states:

4.4 Cap of Intensity of Uses and Student Population.
Applicant shall limit future development and agrees that it shall not seek any further development approvals to increase the intensity of uses, to increase lot coverage, square footage, heights of structures, or exceed 900 students for 30 years following the recording of this covenant. Specifically, no buildings shall exceed two (2) stories or a roof elevation of 35 feet in height measured from finished floor.

Subsequent to the Village's adoption of the Resolution, Palmer Trinity filed its timely Petition to invoke this Court's jurisdiction.

Conclusions of Law

First tier certiorari review of a quasi-judicial zoning decision, such as the Resolution at issue here, is a matter of right. *Miami-Dade County v. Omnipoint Holdings, Inc.*, 863 So.2d 195, 198 (Fla. 2003). A three-part standard governs this Court's review: (1) whether procedural due process is accorded; (2) whether the essential requirements of law have been observed; and (3) whether the administrative findings and judgment are supported by competent substantial evidence. *Id.* at 199.

A. The 30 Year Prohibition

While it is not the function of the court to rezone property, "[r]estrictions on private property must be kept within the limits of necessity for the public welfare or it will be recognized as an unlawful taking." *Burritt v. Harris*, 172 So.2d 820, 822 and 823 (Fla. 1965).

In *Cap's-On-The-Water, Inc. v. St. Johns County, et al.*, 841 So.2d 507, 508 (Fla. 5th DCA 2003), cited by the Village, the Court held that the standard applicable to the imposition of conditions on a special use in an application for development is whether the use should be controlled "in relation to the neighborhood." The Court explained:

We note, however, that in the application of this provision, the conditions imposed must bear a relationship to the goal of compatibility between the special use and the surrounding area. Should the owners decide to challenge the conditions as unreasonable restrictions, the court can consider whether the conditions are whimsical or capricious. Conditions on a use, just like exceptions to a rule, can swallow or drown the use which was intended to be approved in the first place. Owners are entitled to fair play; their properties, which may represent their life fortunes, should not be subjected to whimsical or capricious conditions.

Id. at 508-509.

In support of the 30 Year Prohibition, which prohibits Palmer Trinity from even asking for additional development approvals for the next thirty years – that is, until 2040 – the Village argues that the condition is necessary to “manage the possibility of increased noise and nuisances that would be incompatible with the health, safety and welfare of the community.” *See Village’s Response to Petition for Writ of Certiorari at 49.* Moreover, the Village claims that “[i]t sought to develop trust.” *Id.* Palmer Trinity counters that such a restriction constitutes an illegal and *de facto* moratorium on development, and is an arbitrary, *ad hoc* decision that is an unacceptable and unconstitutional means of restricting private property rights.

Irrespective of the label attached, there is simply no legal authority cited to support such an extreme and unreasonable restriction on a private property owner.

Thus, the 30 Year Prohibition constitutes a departure from the essential requirements of law. This is so because neither the Village Council nor the current residents of the area surrounding Parcel B can know what the future holds. There are a myriad of potential circumstances - - unknown and even unimaginable at this time -- which could arise in the future which could necessitate Palmer Trinity asking for additional development approvals.¹ Without the ability to see into the future, the Village cannot know what the neighborhood will be like and, hence, what would be compatible or incompatible. Indeed, the Village's contention that the 30 Year Prohibition is necessary to "manage the *possibility* of increased noise and nuisances that would be incompatible with the health, safety and welfare" imposes an unreasonable restriction on Palmer Trinity, particularly in light of the fact that the circumstances sought to be managed may or may not occur. (Emphasis added.)

In addition, the Village cited no legal authority to regulate land use based on a municipality's desire for trust with a landowner. In as much, the 30 Year Prohibition leaves no room for trust because it operates as an out right ban on Palmer Trinity's ability to even ask for additional development approvals. Accordingly, the Court holds that the provision in Condition 4.4 of the Resolution, which not only prohibits development, but *even* applications for development, for the next 30 years constitutes a departure from the essential requirements of law and should be quashed.

1. Thirty years ago today, the internet was not available for use by the general public and there were no cellular telephones.

B. The 900 Student Cap on Enrollment

Palmer Trinity argues that the 900 student cap contained in Condition 4.4 of the Resolution is not supported by competent substantial evidence and constitutes a departure from the essential requirements of law. We agree. The record contains no mention of the 900 number at the May 4, 2010 hearing until after the close of public comment when the Mayor, Council, and Village Counsel had the following exchange:

COUNCIL MEMBER STANCZYK: Yeah and I'm having a little trouble again. The original student number that was listed as a recommendation was 1150, and I would like to reduce it to 900, staged incrementally over the entire term of the project. I'd like to make that as a motion.

MAYOR FLINN: That's a tough one. I mean, I don't know how we can just arbitrarily do that, but - -

COUNCIL MEMBER STANCZYK: Well, 1150 was an arbitrary number.

MAYOR FLINN: Well, 1150 is what they voluntarily dropped to, but - -

COUNCIL MEMBER STANCZYK: Well - -

MAYOR FLINN: But, anyway, is there a second for that?

VICE MAYOR PARISER: I'll second it.

MAYOR FLINN: All right, it's been seconded. Any discussions on it?

COUNCIL MEMBER FELLER: Read the motion.

MAYOR FLINN: Reduce to 900 students.

COUNCIL MEMBER FELLER: In discussion by - - I had gotten a number, by state number or by density or some numbers. Theoretically, what is the maximum the school would be allowed to by the total acreage? Is there such a thing, Eve?

MS. BOUTSIS: Under the special exception process, they have to meet certain numbers. The answer is over 2,000.

COUNCIL MEMBER FELLER: It's over 2,000.

MAYOR FLINN: I think it was 2100 at one point. All right all in favor indicate by saying aye.

COUNCIL MEMBERS: Aye.

MAYOR FLINN: Any opposed?

COUNCIL MEMBER FELLER: Nay.

COUNCIL MEMBER TENDRICH: Nay.

MAYOR FLINN: Three/two. All right next item.

See Transcript of May 4, 2010, Hearing at pp. 297:16 – 299:12.

The Village relies upon the testimony of Mr. Mark Alvarez, the planner retained by the Intervenors, and the comments by neighboring residents with respect to traffic and noise. The only specific testimony offered by Mr. Alvarez' that could arguably support the Village's position is his statement that "[t]he school, and what I'm going to point out, is I believe that the use, as a school, is not consistent with what the Village's comprehensive plan says." *See May 4, 2010 Hearing Transcript at p. 168.* He further testified that school would be "increasing the population density of Parcel B well above "what's expected for that zoning category." *Id. at 183:7-17.* Palmer Trinity contends that Mr. Alvarez' testimony does meet the standard for competent substantial evidence.

The Florida Supreme Court has defined competent substantial evidence as follows:

Substantial evidence has been described as such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred. We have stated it to be such relevant evidence as a reasonable mind would accept as adequate to support a conclusion. In employing the adjective 'competent' to modify the word 'substantial,' we are aware of the familiar rule that in administrative proceedings the formalities in the introduction of testimony common to the courts of justice are not strictly employed. We are of the view, however, that the evidence relied upon to sustain the ultimate finding should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached. To this extent the 'substantial' evidence should also be 'competent.'

De Groot v. Sheffield, 95 So. 2d 912, 916 (Fla. 1957).

An applicant seeking a special exception must demonstrate to the decision-making body that its proposal is consistent with the county's land use

plan; that the uses are specifically authorized in the applicable zoning district; and that the requests meet with the applicable zoning code standards of review. *See Jesus Fellowship v. Miami-Dade County, Florida*, 752 So.2d 708, 710. (Fla. 3d DCA 2000). If an applicant meets this burden, then the request must be granted unless the opponent carries its burden to demonstrate that the applicant's request does not meet the standards and are in fact adverse to the public interest. *Id.*

The facts herein are analogous to those presented in *Jesus Fellowship*. In that case, the Third District quashed a circuit court decision which affirmed a decision of the Miami-Dade County Commission denying a portion of a church's zoning application. In the zoning application at issue therein, the church sought to rezone land in a residential area to permit expansion of the church's religious facilities and to permit a private school and day care center. Although the County Staff had recommended approval of 524 students, the Commission approved the rezoning but limited the number of students to 150 as a result of a "suggestion" by the opponents' attorney after the close of the evidentiary hearing.

Here, as in *Jesus Fellowship*, the first mention of even the reduction in the number of students permitted occurred after the close of the evidentiary portion of the public hearing. And like the "suggestion" by the opponent's counsel in *Jesus Fellowship*, the 900 number here materialized in the form of a motion for which no discussion on the record had been had nor foundation had been laid. Other than the brief discussion between the Mayor and Council Person Stanczyk, wherein the 900 number was admittedly arbitrary, there is no mention of that number, nor any mathematical calculation from which it could have been derived,

contained in either the record or transcript preceding the adoption of the Resolution. Neither the testimony of Mr. Alvarez, nor of any of the individuals living in the neighborhood surrounding the school, provides a competent substantial basis for the 900 student cap on enrollment. Accordingly, this Court holds that the 900 student cap is not supported by competent substantial evidence.

For the reasons set forth above, the provisions contained in Resolution 2010-48 relating to the 30 Year Prohibition on any future development or applications for development approvals and the 900 student cap on enrollment are QUASHED and this matter is REMANDED to the Village of Palmetto Bay for proceedings in accordance with this decision.

**COPIES FURNISHED TO COUNSEL
OF RECORD AND TO ANY PARTY
NOT REPRESENTED BY COUNSEL.**

ATTACHMENT B

MARCH 3, 2011 and MAY 5, 2011

11TH JUDICIAL CIRCUIT COURT

ORDERS

M A N D A T E

FROM CIRCUIT COURT
APPELLATE DIVISION
ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA

APPELLATE CASE #:10-259 AP

THE ORIGINAL FILED
MAR 09 2011
IN THE OFFICE OF
CLERK OF COURTS

PALMER TRINITY PRIVATE SCHOOL, INC.

vs.

VILLAGE OF PALMETTO BAY, FLORIDA, CONCERNED CITIZENS
OF OLD CUTLER, INC. AND BETTY PEGRAM

This cause having been brought to this Court by appeal, and after due consideration the court having issued its opinion;

YOU ARE HEREBY COMMANDED that such further proceedings be had in said cause in accordance with the opinion of this COURT attached hereto and incorporated as part of this order, and with the rules of procedure and laws of the STATE OF FLORIDA.

Lower Tribunal Case Number(s): 2010-48

WITNESS the Honorable Mark King Leban, Administrative Judge of the Appellate Division of the Circuit Court of the Eleventh Judicial Circuit of Florida and the seal of the said Circuit Court at Miami, this 3RD day of March, 2011.

A True Copy
Attest

Harvey Ruvin
Clerk of Courts

By:

Jaqueline Abu-Nassar
Deputy Clerk



IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

APPELLATE DIVISION
CASE NO. 10-259 AP
LOWER COURT CASE NO. 2010-48

PALMER TRINITY PRIVATE
SCHOOL, INC.,
Petitioner,

vs.

VILLAGE OF PALMETTO BAY,
FLORIDA, et al.,
Respondents.

FILED FOR RECORD
2011 MAY -6 AM 11:24
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
CIVIL #85

JACQUELINE HOLMES

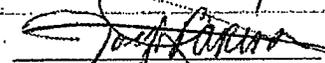
Upon consideration by the court, Petitioner's Motion to Enforce Mandate is hereby:
GRANTED.

The opinion filed February 11, 2011, in this case contains a scrivener's error beginning on line 10 of page 11 as follows: "Palmer Trinity contends that Mr. Alvarez' testimony does meet the standard for competent substantial evidence."

That sentence is corrected as follows: "Palmer Trinity contends that Mr. Alvarez' testimony does not meet the standard for competent substantial evidence."

JOSEPH P. FARINA, JOEL H. BROWN, C.J., AND NORMA S. LINDSEY, JJ.
CONCUR

It is so ordered this 5th day of May, 2011.


JOSEPH P. FARINA


JOEL H. BROWN


NORMA S. LINDSEY

CC: STANLEY B. PRICE, ESQ.
EILEEN BALL MEHTA, ESQ.
EVE A. BOUTSIS, ESQ.
W. TUCKER GIBBS, ESQ.

ATTACHMENT C

JUNE 1, 2011

11TH JUDICIAL CIRCUIT COURT

CLARIFICATION OF ORDER

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

APPELLATE DIVISION
CASE NO. 10-259 AP
LOWER COURT CASE NO. 2010-48

PALMER TRINITY PRIVATE
SCHOOL, INC.,
Petitioner,

vs.

VILLAGE OF PALMETTO BAY,
FLORIDA, et al.,
Respondents.

FILED FOR RECORD
2011 JUN -3 PM 2:36
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
CIVIL #85

Upon consideration by the Court, Respondent's Motion for Clarification as to this Court's Order Dated May 5, 2011 is hereby: GRANTED.

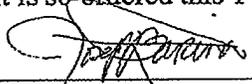
This Court entered an order granting Petitioner's Motion to Enforce Mandate on May 5, 2011. In its Motion, Petitioner, Palmer Trinity Private School, Inc. ("Palmer Trinity"), had argued that the "Village should be instructed that "proceedings in accordance with this decision [the Court's February 11, 2011 opinion]" means that the Village should take appropriate action to remove the two quashed conditions from the Resolution or otherwise render those conditions ineffectual." Petitioner's Motion to Enforce Mandate at p. 20.

On May 18, 2011, in response to the Court's Order of May 5, 2011, Respondent, Village of Palmetto Bay, Florida, et al. (the "Village"), filed its Motion for Clarification as to this Order. In its Motion, the Village contended that it understands the Court's May 5 Order to direct the Village to "act consistent with the Panel's direction striking of the 30 year prohibition as contrary to law" and "hold a public hearing, the record of which shall include but not be limited to all the evidence already in the record for a final decision as to the entire application - not just as to the two items litigated on appeal," Respondent's Motion for Clarification at p. 4. The Village bases its understanding of the May 5 Order on its assertion that the Resolution at issue "did not have a severability provision, so the entire matter is to be heard at public hearing." *Id.* at Note 1, citing Auerbach v. City of Miami, 929 So.2d 693, 694 (Fla. 3d DCA 2006). In Auerbach, the resolution at issue contained a severability clause. However, the Auerbach opinion does not state that, absent a severability clause in a resolution, the entire matter must be reheard.

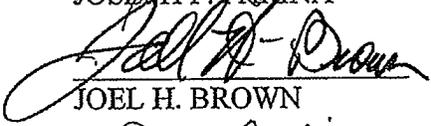
Accordingly, the Court finds that the original opinion in this matter issued February 11, 2011 is clear and unambiguous. The Village of Palmetto Bay shall forthwith commence the required proceedings to remove the two quashed conditions from the Resolution or otherwise render those conditions ineffectual and take no further action that would be inconsistent with this Court's prior Order of May 5, 2011 and this Order.

JOSEPH P. FARINA, JOEL H. BROWN, C.J., AND NORMA S. LINDSEY, JJ.
CONCUR

It is so ordered this 1st day of June, 2011.



JOSEPH P. FARINA

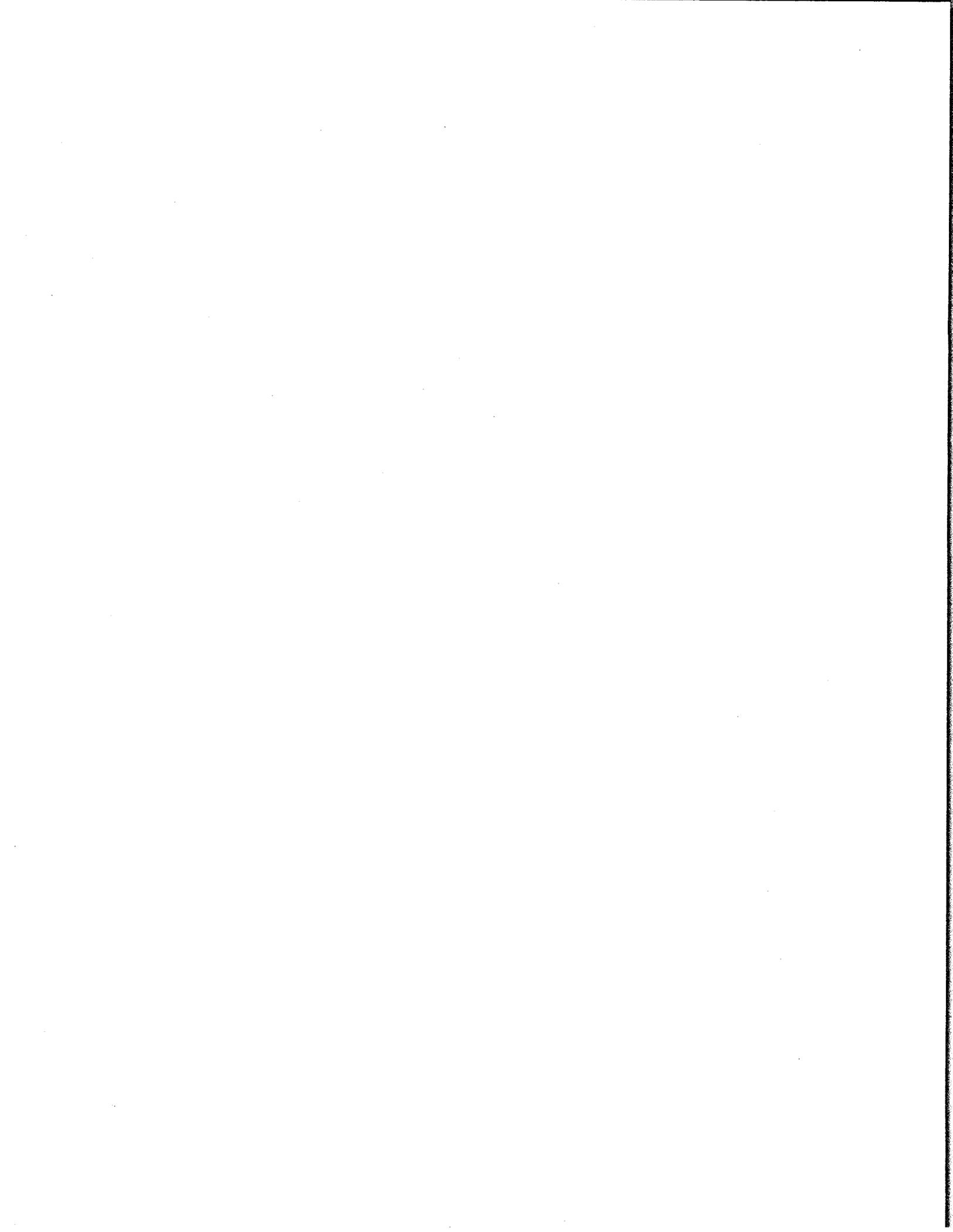


JOEL H. BROWN



NORMA S. LINDSEY

CC: STANLEY B. PRICE, ESQ.
EILEEN BALL MEHTA, ESQ.
EVE A. BOUTSIS, ESQ.
W. TUCKER GIBBS, ESQ.





To: Mayor and Village Council

Date: July 19, 2011

From: Eve A. Boutsis, Village Attorney

Re: Palmer Trinity July 19, 2011 Hearing.

BACKGROUND AND ANALYSIS:

The Florida 11th Judicial Circuit, Appellate Panel, on February 11, 2011, granted the certiorari petition filed by Palmer Trinity Private School. A Petition for Certiorari review in a zoning matter, is the "appeal" of a zoning decision. The review by a court is as to three criteria: whether the party was provided procedural due process (proper notice of hearing provided and an ability to be heard); that there is competent substantial evidence in the record to support the decision; and that the essential requirements of law are complied with (correct law used). In reviewing the petition, the Panel quashed the two conditions in the Village's May 4, 2010 zoning resolution and found:

That Condition 4.4 "which contained the 30 year prohibition" "operates as an out right ban on Palmer Trinity's ability to even ask for additional development approvals. Accordingly, the Court holds that the provision in Condition 4.4 of the Resolution, which not only prohibits development, but even the submittal of applications for development, for the next 30 years constitutes a *departure from the essential requirements of law* and should be quashed."

As to the second condition, related to the number of students, 900, the Court found that the "900 Student Cap on Enrollment" should be quashed, as there was "no competent substantial basis for the 900 student cap on enrollment. Accordingly, this Court holds that the 900 student cap is *not supported by competent substantial evidence in the record.*"

Thereafter, the Court, on March 3, 2011 issued the mandate which ordered the Village to hold "such further proceedings ... in accordance with the opinion of this Court [per the February 11, 2011 order]."

On April 12, 2011, Palmer Trinity filed its motion to enforce the Court's mandate, and argued that failure to comply with the mandate was a "miscarriage of justice." Palmer Trinity argued that there could not be a hearing on the entire application, simply a proceeding to overturn the two quashed conditions from the May 4, 2010 resolution. Palmer Trinity also argued administrative res judicata, which they believed would preclude a new hearing on the Palmer Trinity application. Palmer Trinity additionally argued that the "law of the case" doctrine applied as to the remainder of the zoning resolution. Finally, Palmer Trinity argued that the Village's upcoming hearing required "purely a ministerial action" by the Village Council. Based upon the foregoing, Palmer Trinity requested "on remand, [that] the Village should adhere to the

Memorandum to Village Council
July 19, 2011
Page 2 of 8

Court's decision quashing the two conditions by removing those conditions from the resolution" and argued that the Village should take no further action.

Palmer Trinity attempted to distinguish the holding of Broward County v. G.B.V. International, Ltd., 787 So. 2d 838, 844 (Fla. 2001), which had been cited by the Village. In GBV International, the Florida Supreme Court had held that "[w]hen the order is quashed, ... it leaves the subject matter that is the controversy pending before the ... commission. ...The appellate court has no power in exercising its jurisdiction in certiorari to enter a judgment on the merits of the controversy under consideration nor to direct the respondent to enter any particular order or judgment." The Village understood this holding to mean that upon remand a hearing is held. Additionally, as there was no severability provision in the resolution, the entire application had to be reviewed. Palmer Trinity additionally attempted to assert bias by certain members of the existing/current Village Council.

On May 6, 2011, the Court granted Palmer Trinity's motion to enforce mandate, without opinion¹.

Subsequently, the Village filed a motion for clarification regarding the May 6th, 2011 order enforcing mandate, asking for direction as to the Appellate Panel's direction to hold "further proceedings." The Village believed, pursuant to Broward County v. G.B.V. International, Ltd., 787 So. 2d 838, 844 (Fla. 2001), and its progeny, that the Appellate court is limited as to what it can direct upon remand. The Village again argued that the appellate court has no authority to direct the lower court to enter contrary orders or to direct the Village to enter a specific order. The Village argued, that the appellate court could not enter judgment on the merits or direct the lower tribunal to enter any particular order. As such, the Village believed that it should adhere to its hearing process, and hold a new hearing on Palmer Trinity's application, while also utilizing the record from the May 4, 2011 hearing.

Additionally, the Village argued that its proposed action of holding a hearing would be consistent with Parker Family Trust I v. City of Jacksonville, 804 So. 2d 493, 498 (Fla. 1st DCA 2001), in which the Court held that a subsequent hearing may develop different facts or issues, resulting in a change in circumstances that would preclude the application of the "law of the case" doctrine. The Village argued, that during the 2011 quasi-judicial hearing, the Village could determine that there had been a substantial change in the facts. The Village indicated that the change in circumstances could be a result of the evidence presented by the community, and/or by the new Village planner that has been hired.

Finally, the Village contended, as there was no severability provision in the original resolution, the entire resolution must be considered at the public hearing. The Village cited to Auerbach v. City of Miami, 929 So. 2d 693, 694 (Fla. 3d DCA 2006) as support for this proposition.

¹ One scrivener's error was recognized in the opinion. No written opinion issued by the Court other than "Granted."

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On June 3, 2011, the Appellate panel granted the Village's motion for clarification, rejected the Village's severability argument and stated:

"Accordingly, the Court finds that the original opinion in this matter issued February 11, 2011 is clear and unambiguous. The Village of Palmetto Bay shall forthwith commence the required proceedings to remove the two quashed conditions from the Resolution or otherwise render those conditions ineffectual and take no further action that would be inconsistent with the Court's prior Order of May 5, 2011 and this Order."

Based upon the foregoing direction of the Appellate Panel solely the two conditions appealed and quashed are to be reviewed by the Village Council. The Appellate Court quashed the Village's two conditions: (1) 30 year prohibition and (2) 900 cap on the number of students.

RECOMMENDATION:

Based upon the authority and the facts presented herein, that the Village Council should rely upon the evidence and proof obtained during its original hearing of May 4, 2010, and thereby rely upon the existing record, rather than proceed forward with a new hearing and upon new proof.

As a threshold matter, the Circuit Court's order granting Palmer Trinity's petition for certiorari, effectively quashed the two conditions referenced above. Broward County v. GBV International, Ltd., 787 So. 2d 838, 844 (Fla. 2001) (the Court can either quash the petition or order - the Court cannot enter judgment on the merits and cannot direct the respondent to take any action); and National Adver. Co. v. Broward County, 491 So. 2d 1262, 1263 (Fla. 4th DCA 1986).

Therefore, the Circuit Court's decision is limited to a finding that the Village's condition as to the 30 year prohibition departed from the essential requirements of law; and that the 900 student cap was "not supported by competent substantial evidence."

The Florida Supreme Court has addressed of the scope and parameters of certiorari review, in GBV International, Ltd., 787 So. 2d at 844. Based upon this decision, once the Village' Council's two conditions were quashed, it left that decision/order "as if no order or judgment had been entered [as to those conditions]." Id. at 844. More importantly, as a result of the quashing "the parties stand upon the pleadings and proof as it existed when the order was made with the right of all parties to proceed further as they may be advised to protect or obtain the enjoyment of their rights under the law in the same manner and to the same extent which they might have proceeded had the order reviewed not been entered." Id. Based upon the Florida Supreme Court's holding, the Circuit Court's order should have returned all parties in this matter to the status quo at the time the Village Council determined the two conditions, and with the existing record upon which the Council made its decision.

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The position of the Village Attorney is consistent with the position taken by the City Attorney of the City of Ft. Lauderdale, Harry A. Stewart, who took this position on March 10, 2011, in a similar situation with a similar order from the Appellate Court. Mr. Stewart, was also the County Attorney for Broward County for many years. The Miami-Dade County Attorney's office has advised that in a zoning action remanded to the County, the County Attorney's office directs the applicable zoning board/appellate board to hold a hearing -- but to simply strike the items quashed and to take no further action.

However, the Commission may decide the issue based on the facts in the record at the time, or it may reopen the public hearing to accept evidence on the only relevant issues (two conditions), and in doing so should adhere to the criteria delineated below.

RECOMMENDATION AS TO PROPOSED REVISIONS TO ZONING RESOLUTION 2010-048:

Please note that the Village Council's decision to grant the site plan modification, with conditions, and the physical expansion remain in effect under the zoning resolution 2010-48. The only Certiorari challenges were as to two above referenced conditions.

Condition 1: The 30 year prohibition should be stricken due to the Court's ruling that the condition is a departure from the essential requirements of law and should be quashed. Based upon the foregoing, condition 4.4 should be stricken as follows:

~~4.4 Cap of Intensity of Uses and Student Population. Applicant shall limit future development and agrees that it shall not seek any further development approvals to increase the intensity of uses, to increase lot coverage, square footage, heights of structures, or exceed 900 students for 30 years following the recording of this covenant. Specifically no buildings shall exceed two (2) stories or a roof elevation of 35 feet in height measured from finished floor.~~

Condition 2: The remaining issue is as to the "Cap of 900 students." The Appellate Panel used the term "Cap of 900 students". The only time the resolution uses the word "Cap" can be found in section 4.4 relating to the "Cap of Intensity of Uses and Student Population." Section 4.4 is to be quashed by the direction of the Appellate Panel. However, Palmer Trinity did not cite to a specific condition when referencing the 900 students and the 900 number is referenced through out the zoning resolution. To be consistent with the Court's order, all references to the 900 students should be stricken. Below are listed the references to the 900 number:

(a) The Village Council's zoning resolution, at its second Conclusion of Law, found at page A5, Section 3(2) stated:

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"The standard of review for a special exception is found at 33-151, et seq., of the Miami-Dade County Code. The Applicant's request for a special exception to expand to 8001 SW 184th Street and to increase the number of students from 600 to 1150 is not in compliance with the applicable standards. However, the Applicant's request for a special exception to expand onto 8001 SW 184th Street from 7900 SW 176th Street and to increase the number of students from 600 to 900 is in compliance with the applicable standards. The Village Council found the appropriate number of students for expansion to be 900, and provided the conditions delineated below to also be implemented."

Based upon the Appellate ruling the third sentence should be stricken:

~~However, the Applicant's request for a special exception to expand onto 8001 SW 184th Street from 7900 SW 176th Street and to increase the number of students from 600 to 900 is in compliance with the applicable standards. The Village Council found the appropriate number of students for expansion to be 900, and provided the conditions delineated below to also be implemented.~~

- (b) The Council at Section 4(B)(3), also held that "[t]he request to increase the non-public school number of students to 1150 is denied. A condition to allow expansion to 900 students is granted." The cap at 900 should be stricken.
- (c) The number of students at subsection (4)(4.5), found at page A.7, should be stricken.
- (d) The number of students should be stricken from subsection 4.6
- (e) The number of students should also be stricken from subsection 4.7 (as to the increase of 300 students to 550 students).
- (f) The number of students should be stricken from subsection 5.

Legal standards for reviewing the record or at Council request holding a limited hearing:

For any zoning application to be approved, it must be consistent with the Comprehensive Plan and it must adhere to the applicable zoning regulations. As to the first prong of the analysis, the Village Council, at page A2 and A5 of the zoning resolution 2010-048 (May 4, 2010) found that the entire application is consistent with the Village's Comprehensive Plan. That Conclusion of Law was not stricken by the Appellate Panel and is not open for review.

The question, then, becomes should the Village Council approve the number of students requested by the applicant, Palmer Trinity, for 1150 students. The Court found that the record would not support 900 and that a "Cap" was not supported by the record.

Palmer Trinity argues, therefore, if 900 is not supported by the record, it has met its burden as to approving a special exception for 1150 students. The transcript from the May 4, 2010 hearing

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reflects the argument of Palmer Trinity's counsel that it had met the burden required under the special exception standard and that it was now the Council's burden, if there was opposition to the application, to find that the application was a detriment to the public interest. [Page 83, at lines 15-24; page 256, lines 7-15]. This standard was first enunciated by the Florida Supreme Court in Irvine v. Duval County Planning Com., 495 So. 2d 167 (Fla. 1986).

The Appellate Panel agreed with Palmer Trinity as to the standard of review. See page 12 of the February 11, 2011 order of the Court: "If an applicant meets this burden, then the request must be granted unless the opponent carries its burden to demonstrate that the applicant's request does not meet the standards and are in fact adverse to the public interest." Additionally, the Appellate Panel, at page 12, referenced Jesus Fellowship v. Miami-Dade County, 752 So.2d 708, 710 (Fla. 3d DCA 2000) and stated: "Here, as in *Jesus Fellowship*, the first mention of even the reduction in the number of students permitted occurred after the close of the evidentiary portion of the public hearing. And like the "suggestion" by the opponent's counsel in *Jesus Fellowship*, the 900 number here materialized in the form of a motion for which no discussion on the record had been had nor foundation had been laid."

The Panel, by referencing the burden shifting standard appears to have implicitly found that Palmer Trinity has met its burden of proof of meeting the applicable zoning regulations. For the Village to reject Palmer Trinity's application as to 1150 students, particularly, after the ruling of February 11, 2011, and the citations to authority in that opinion the Village Council will need to support such a decision, with competent substantial evidence that Palmer Trinity's application for 1150 students is a detriment to the public interest. Public interest is ordinarily considered the "health safety and welfare of the public" and is the mechanism for triggering the municipality's police powers. Police powers are what allow a municipality to create and enforce a zoning code. See Powell on Real Property; Relations Between The Owner Of A Permissible Interest In Land And The Community (Chs. 69-79g); Chapter 79C Zoning ; 12-79C Powell on Real Property § 79C.13 (2011, Matthew Bender & Company, Inc.). See also Zoning and Land Use Controls; 8-44 Zoning and Land Use Controls § 44.04 (2011 Matthew Bender & Company, Inc) (It has been generally held that the standard of "absence of substantial detriment to the public good," an alternate form of the health and welfare standard, refers primarily to the weighing of the admitted general utility of the use and the public convenience of the requested location against the effect of adverse factors on other uses in the area. In considering the welfare of the "community" when reviewing an application for a special use permit, that requirement contemplates the community at large, not just the immediate neighborhood. Essentially, the standard requires a showing by the applicant that the proposed use will not be detrimental to the health, safety or welfare of the community.). Based upon the foregoing, the Village Council is to rely on competent and substantial evidence in the existing record that there was a "substantial detriment to the public good," that the "health safety and welfare of the public at large" was affected; or more specifically that there was a "detriment to the public interest."

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If the Village should decide to ask for argument of council, and ask questions of experts, staff, and general public, the item may be reopened for a public hearing, as to the number of students. However, despite what may be introduced, the number of students may only be altered if: there is evidence that the application is detrimental, or adverse to the public interest. See Irvine v. Duval County Planning Com., 495 So. 2d 167 (Fla. 1986).

Additionally, due to the "law of the case" doctrine the Village Council would need to find that there was either a substantial change in circumstances, thus requiring further evidence or there would be an act of manifest injustice to proceed. Parker Family Trust I v. City of Jacksonville, 804 So. 2d 493 (Fla. 1st DCA 2001) (Although the law of the case doctrine is a self-imposed restraint that courts abide by, once made by the appellate court, such decisions will seldom be reconsidered or reversed, even though they appear to have been erroneous. Reconsideration will occur only when manifest injustice will result from a strict and rigid adherence to the rule.). The Court, in Parker Family Trust explained:

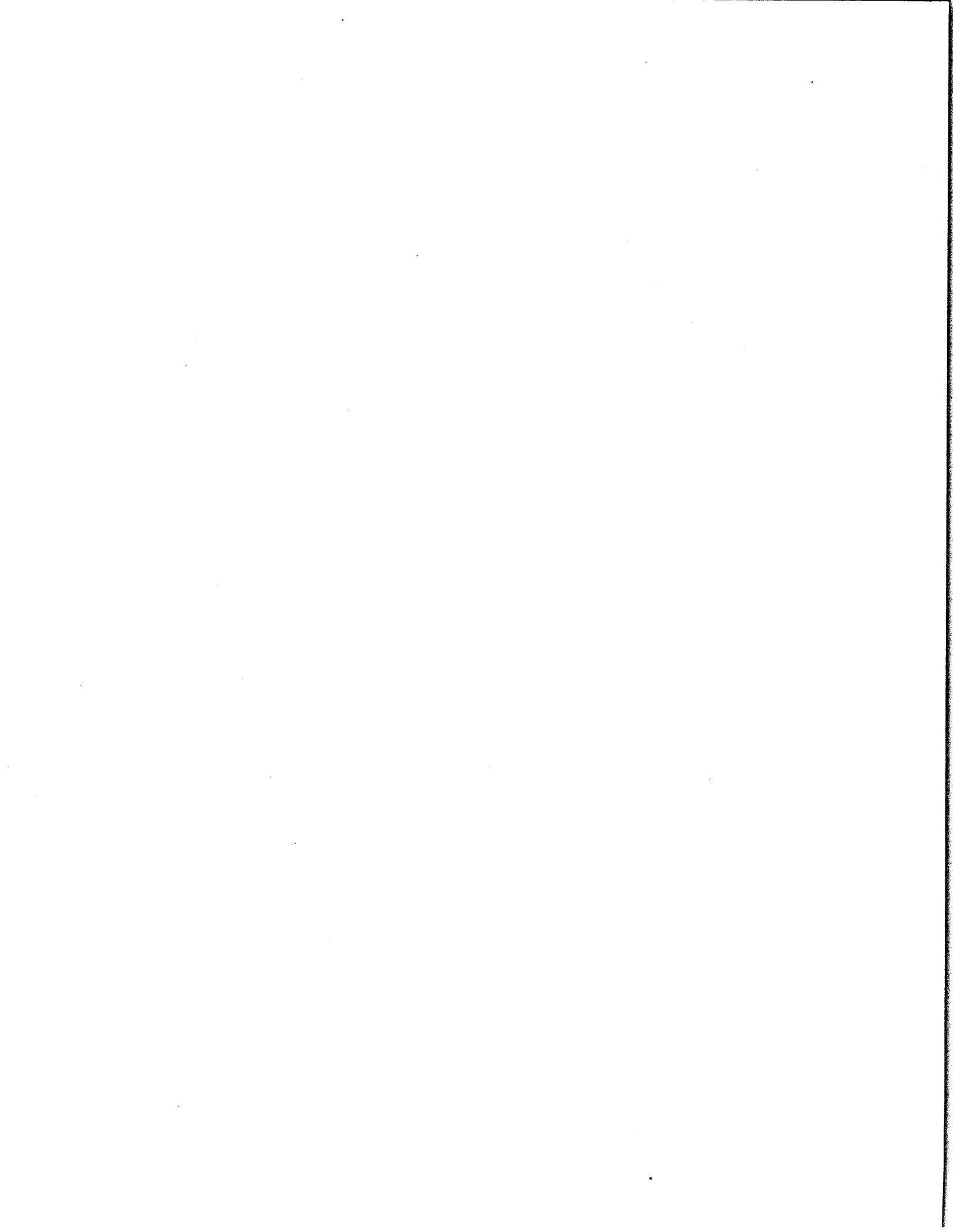
"The doctrine of the law of the case is . . . a principle of judicial estoppel." Fla. Dep't of Transp. v. Juliano, 801 So. 2d 101, 2001 Fla. LEXIS 2275, 26 Fla. L. Weekly S784, S785 (Fla. 2001). It applies when "successive appeals are taken in the same case." Id. It requires that questions of law actually decided on appeal must govern the case in the appellate court and in the lower tribunal in all subsequent stages of the proceeding. Id. Its purpose is "to lend stability to judicial decisions and the jurisprudence of the state, as well as to avoid 'piecemeal' appeals and to bring litigation to an end as expeditiously as possible." Strazzulla v. Hendrick, 177 So. 2d 1, 3 (Fla. 1965). Although the doctrine is "a self-imposed restraint that courts abide by," State v. Owen, 696 So. 2d 715, 720 (Fla. 1997), once made by the appellate court, such decisions "will seldom be reconsidered or reversed, even though they appear to have been erroneous." McGregor v. Provident Trust Co. of Philadelphia, 162 So. 323, 327 (1935). Reconsideration will occur only when "'manifest injustice' will result from a 'strict and rigid adherence to the rule.'" Strazzulla, 177 So. 2d at 4. "Under the law of the case doctrine, a trial court is bound to follow prior rulings of the appellate court as long as the facts on which such decision are based continue to be the facts of the case." Juliano, 26 Fla. L. Weekly at S785. The doctrine has no application, however, "when a subsequent hearing or trial develops different facts and different issues." Steele v. Pendarvis Chevrolet, Inc., 220 So. 2d 372, 376 (Fla. 1969). Here, the doctrine applies to the circuit court's first order because the City Council's action was quasi-judicial and the circuit court's review was appellate in nature. See generally Tamiami Trail Tours, Inc. v. R.R. Comm'n, 128 Fla. 25, 32, 174 So. 451, 454 (1937) (Davis, J., concurring specially) (noting that rulings on questions of law made on certiorari review of an administrative agency's decision constitute the "law of the case" in subsequent proceedings before the lower tribunal); Wood

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v. Dep't of Prof'l Regulation, 490 So. 2d 1079, 1081 (Fla. 1st DCA 1986) (holding that "administrative agencies are required to adhere to the law of the case").

Conclusion:

In the appellate history for the Palmer Trinity Certiorari action, the Appellate Panel referenced the burden shifting standard delineated in Irvine, and found that there was no evidence supporting a cap on the number of students. Moreover, the Court has ruled that the two items are quashed and for the Village to take no further action. The Village, due to law of the case, should adhere to these rulings of the appellate panel. The only way to overcome the law of the case is if the law has changed (manifest injustice) or there has been a substantial change in circumstances since May 4, 2010, or the existing record reflects that the expansion in students should be denied as a detriment to the public interest. Without such evidence, and without addressing the Irvine standard (burden shifting to Village to show a detriment to the community), there is a strong possibility that any action taken by the Village other than to quash the two conditions as mandated by the Court will not be upheld in any appeal (certiorari review by the 11th Circuit).



RESOLUTION NO. 2010-48

ZONING APPLICATION VPB 07-012-B

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING WITH CONDITIONS THE APPLICATION OF PALMER TRINITY PRIVATE SCHOOL, LOCATED AT 7900 SW 176TH STREET THROUGH 8001 SW 184TH STREET; APPROVING WITH CONDITIONS THE SPECIAL EXCEPTION REQUEST TO EXPAND THE SCHOOL TO INCLUDE AN ADDITIONAL 32.2 ACRES, AND AN ADDITIONAL 300 STUDENTS (REQUEST TO INCREASE ENROLLMENT BY 550 STUDENTS DENIED) AS PROVIDED FOR UNDER 33-151, ET SEQ., OF THE COUNTY CODE; AND PURSUANT TO SECTION 33-311 OF THE MIAMI-DADE COUNTY CODE FOR A SITE PLAN MODIFICATION ON PROPERTY ZONED E-M, LOCATED IN PALMETTO BAY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2006 the applicant made an application for (1) a rezoning of 8001 SW 184th Street from AG and E-2 to E-M; (2) a special exception to expand the existing private school located at 7900 SW 176th Street with 600 students, onto the adjacent property known as 8001 SW 184th Street with 32.2 acres, and 1400 students; (3) a site plan modification of the approved 1999 plan for 7900 SW 176th Street to include the elements under request (2); (4) a non-use variance of height limitations on the gymnasium performing arts center and chapel to allow structures over 56 feet, where 35 feet is permitted; (5) a non-use variance to allow three stories for an administrative building, where two stories is permitted; and (6) a non-use variance to allow parking on natural terrain. This application is described in the Village's Department of Planning and Zoning Recommendation from 2008, as issued by Ms. Arleen Weintraub, the then Planning & Zoning Director, to the Village of Palmetto Bay; and,

WHEREAS, hearings were held on February 25, 2008, and April 14, 2008, at which time the Applicant's rezoning request was denied, and the remainder of their requests were not ruled upon; and,

WHEREAS, the district boundary change, rezoning item was ruled upon by the Third District Court of Appeal on March 24, 2010, finding reversible error, and,

WHEREAS, the district boundary request was heard and ruled upon separately by the Mayor and Village Council on April 29, 2010 and May 4, 2010. Ordinance 2010-09 was adopted, rezoning the property known as 8001 SW 184th Street from AG and E-2 to E-M; and,

WHEREAS, concerning the remainder of the applicant's requests, the applicant's plans have been modified prior to hearing and a substituted plan dated April 19, 2010 is to be reviewed by the Village Council. Public hearing was held on May 4, 2010; and,

WHEREAS, the modified plan provided for (1) a special exception to expand onto 8001 SW 184th Street with an increase in student population of 1150 (reduced from the original 1400 request); and a site plan modification; and,

WHEREAS, all variance requests have been withdrawn; and,

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Christ Fellowship Church on May 4, 2010; and,

WHEREAS, the Mayor and Village Council find, based upon substantial competent evidence in the record, that the application pursuant to section 33-151, et seq, and 33-311, of the Miami-Dade County Code, as adopted by the Village relating to the above requests, and as amended by Council Action, is consistent with the Village's Comprehensive Plan and the applicable land development regulations; and,

WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to grant the application, as amended (modified/conditioned) by Council Action, and reduced the student population to 900 students, as provided in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. A hearing on the present application was held on May 4, 2010 in accordance with the Village's "Quasi-judicial hearing procedures" Ordinance, found at 2-105, of the Village's Code of Ordinances. Pursuant to the hearing, the Mayor and Village Council make the following findings of fact, and conclusions of law.

Section 2. Findings of fact.

The subject property is located at 7900 SW 176TH Street and 8001 SW 184th Street, Palmetto Bay, Florida.

In 1999, the Applicant sought a site plan modification for 7900 SW 184th Street. During that hearing, a transcript was made. During the May 4, 2010 hearing, Applicant's Counsel asserted that the 1999 transcript is part of the record for the May 4, 2010 hearing. He advised that Applicant read the transcript and that there were no commitments made at a public hearing to limit the school to 600 students. During the May 4, 2010 hearing, the Vice Mayor read from the 1999 transcript as follows:

Page 38, line 10 – 1999 hearing Transcript:

Mr. O'Donnell (then counsel for Applicant): And our 600 student body is something that may or may not be achieved, but that is the maximum, depending on the year and depending on who accepts it and that sort of thing.

Page 57, line 14 – 1999 hearing Transcript:

Mr. O'Donnell: I really would like to say, our contributions, if you look at the right-of-way, the hundreds of thousands of dollars that we have spent on the right-of-way along 176 Street on the landscaping of that road, you have to come to our campus to understand that we are committed to our mission. And we are not attempting to achieve any more development than the 600 students, at the maximum that we have now, on this campus. That is our mission. We have spent two years developing that mission. We have no intention of altering that mission.

In 2006, the applicant filed an application for a special exception for the expansion of a private school to increase the enrollment from 600 to 1,150 students. The "original" plan from the 2008 hearings was based upon the 2006 application. The 2008 plan proposed 1,400 students on 55 acres (from 22.5 acres). The expansion plan proposed one of two alternatives – either (1) an expansion of students to include grammar school children - kindergarten through grade 5 and increase the enrollment of students in grades 6 through 12; or, (2) solely an increase in middle school and high school students (grades 6-12). The April 19, 2010, plan reflected removal of the daycare and preschool components. In either proposal, the total number of students has been voluntarily reduced by the Applicant from 1,400, which had been presented in the 2008 application, to a total of 1,150 students.

Additionally, the Applicant sought a site plan modification. The Applicant submitted a master plan, which has been revised since its original submittal¹. The final site plan reviewed by Council was dated April 19, 2010, and provided for the future use of the entire 55 acre site as a private school and includes its long-range plan for the school's expansion. Accordingly, the Applicant requested a modification of a previously approved site plan, via resolution C-ZAB-132-99, to reflect their vision for the school.

The 2008 application contained a request for a non-use variance of parking requirements to permit parking on natural terrain, where not permitted. This request was eliminated and withdrawn from the modified site plan dated April 19, 2010.

The original 2008 application contained variance requests for height and number of stories to allow a maximum height of 50'-7" for certain proposed new buildings to include a chapel, a performing arts center, a library/media center/administration building and a gymnasium where 35 ft. is permitted, as well as to allow three (3) stories where two (2) is permitted for the library/media center/administration multi-purpose building. These requests were eliminated and withdrawn from the April 19, 2010 plan.

The 2008 plan included a steeple up to 70 feet in height. No variance was required for the steeple, as it would have been permitted as of right. The Applicant voluntarily withdrew its request for a steeple/church tower.

¹ Applicant filed its application in 2006. The 2006 plan had been modified prior to the February and April 2008 quasi-judicial hearings ("original plan"). The final plan is dated April 19, 2010.

The initial hearings were held on February 25, 2008, and April 14, 2008, at which time the Applicant's rezoning request was denied, and the remainder of their requests were not ruled upon. The Circuit Court, upon the first tiered appeal via a petition for certiorari ruled, without opinion, that the Village's actions were proper. Thereafter, the district boundary change, rezoning item was ruled upon, during a second tiered appeal, by the Third District Court of Appeal on March 24, 2010, finding reversible error. Based upon the foregoing ruling, the district boundary request was heard and ruled upon separately by the Mayor and Village Council on April 29, 2010 and May 4, 2010. Ordinance 2010-09 was adopted, rezoning the property known as 8001 SW 184th Street from AG and E-2 to E-M.

The Applicant's property is comprised of a 55-acre parcel of land, that was previously zoned under three (3) different zoning classifications (AG, E-2, and E-M), and is surrounded by the Estate-Modified Single-Family zoning district. Prior to hearing the application for special exception and site plan modification, the Applicant requested that the 32.22 acres property bearing address 8001 SW 184th Street be rezoned from AG and E-2 to E-M. On May 4, 2010, prior to ruling on the Applicant's requests under PH-VPB 07-012-B, the Village Council rezoned 8001 SW 184th Street to E-M.

The Town of Cutler Bay is located to the south. The 8001 SW 184th Street property adjoins the northern parcel zoned E-M, also owned by the Applicant that bears the address 7900 SW 176th Street. Except for the Applicant's private school to the north, and Bill Sadowski Park bordering the northeastern portion of the Applicant's property, the surrounding neighborhood is characterized predominantly by detached single-family homes. Canals are located to the west (between SW 84th Avenue and SW 83rd Court) and north (between SW 173 Terrace and SW 175th Street). To the east of the property is Old Cutler Road. To the south of the property is SW 184th Street (Eureka Drive). The canals and roadways serve as immediate natural borders for the residential neighborhood surrounding the Applicant's subject property and school. The lots immediately to the east and west along the southern edge of the subject property on S.W. 184th Street are zoned E-1, Single-Family and are comprised of single-family homes. To the east and along Old Cutler Road there is a church, a pre-school and kindergarten, Village Library, VMU (Village Mixed-Use) District, and both E-1 and E-M Zoning Districts.

Planning and Zoning staff found the scale, utilization, location of buildings, height of buildings, landscaping, open space, and buffering, are acceptable. Staff recommended conditions as to certain elements, including as it relates to compatibility, access, parking circulation/layout, and visibility/visual layout. Signage is governed under the County Code, Section 33-100.

DERM had no objections, subject to conditions stated in their report. Miami-Dade Public Works Department raised issues and stated their objections in their report and those objections have been addressed by Applicant. The Village's Traffic Consultant, The Corradino Group, has issued recommendations that are incorporated by reference by staff as conditions to approval of the application. The Miami-Dade County Parks & Recreation department issued objections relating to the Bill Sadowski Park and those comments are incorporated by reference. Fire Rescue's report is also incorporated by reference. The Miami-Dade Police Department (Village Policing Unit) has no objections.

In 2008, the site was found to have code violations and corrective action was undertaken by Applicant. The sole item remaining to come into compliance is the removal of the two (2) portable classrooms that were to be removed according to the year 2000 substantial compliance review. The portables were not removed. In 2008-9, Applicant sought a second substantial compliance review, which proposed a timetable for bring the portables into compliance by constructing one of the structures from the 1999 plan and then eliminating the portables. Thereafter, Applicant sought a construction permit in 2009 to begin construction on the 1999 approved structure. However, the permit was not processed due to the Village's one (1) year construction moratorium implemented in order to enact the Village's Land Development Code.

The Miami-Dade County Archeological and Historical Department has requested a survey during phase 1, as archeological artifacts have been discovered in the Bill Sadowski Park.

The Planning and Zoning Staff Analysis Report is incorporated by reference herein, as part of the factual record for the Village Council's decision as Exhibit A to this resolution.

The Council heard testimony from Mr. Julian Perez, the Village's Planning & Zoning Director; Mr. Joe Corradino, of Corradino Consulting Group, the Village's traffic consultant; Mark Alvarez, a planner representing a citizens group, Concerned Citizens of Old Cutler Inc. (CCOCI); Jack Luft, a planner representing applicant; Mr. Timothy Plummer, of David Plummer & Associates, Inc. a Traffic Engineer/Consultant for Applicant; and, Mr. Don Washburn, of Audio Bug, Inc., an audio expert for Applicant.

Prior to Council deliberation and action Counsel for Applicant advised that it accepted all conditions of staff minus: 4.3, 4.4, 4.14, and 7.3. As to conditions 4.1 and 4.4 Counsel agreed to no increase in student population above 1150 for 30 years but requested the right to increase structures, lot coverage or intensity of uses. Applicant's counsel agreed to Phase 1 construction to include improvements to SW 184th Street. Mr. Price argued that the berm requirement and contiguous use of the walking and maintenance paths, found at condition 7.3 was inconsistent with the landscape plans proposed and inappropriate. He also requested that condition 8.9 of staff's recommendations relating to the use of the SW 176th Street entrance be modified so that the entrance could remain open after proposed hours for four events per school year.

The Council held a public hearing and many residents and community members spoke both in favor and in opposition to the application. The Council heard testimony relating to traffic, noise, number of students, field usage and affects of that usage, environmental concerns, and other topics. The Council incorporates by reference the minutes, audio tape, and transcript (if transcribed) into its findings of fact.

Section 3. Conclusions of law.

1. The Application **is** in compliance with the adopted 2005 Village of Palmetto Bay Comprehensive Plan and Future Land Use Map.

2. The standard of review for a special exception is found at 33-151, et seq., of the Miami-Dade County Code. The Applicant's request for a special exception to expand onto 8001 SW 184th Street and to increase the number of students from 600 to 1150 **is not** in compliance

with the applicable standards. However, the Applicant's request for a special exception to expand onto 8001 SW 184th Street from 7900 SW 176th Street and to increase the number of students from 600 to 900 is in compliance with the applicable standards. The Village Council found the appropriate number of students for expansion to be 900, and provided the conditions delineated below to also be implemented.

3. The standard of review for a site plan modification is found at section 33-311(A)(7), of the Miami-Dade County Code. The Applicant's request for site plan modification is in compliance with the applicable standards, as amended below.

Section 4. Order.

A. The Council, pursuant to Section 33-311(A)(7), and 33-151, et seq., of the Miami-Dade County Code as applied by the Village, approves with conditions and modifications the Applicant's requests for a special exception and site plan modification for school use, expansion, and number of students as to the plans entitled Palmer Trinity Private School Campus Master Plan as prepared by Duany Plater-Zyberk & Co., consisting of 36 sheets, dated stamped received November 1, 2007, as revised by the plans entitled Palmer Trinity Private School Campus Master Plan as prepared by Duany Plater-Zyberk & Co., consisting of 48 sheets, dated stamped received April 19, 2010. The April 19, 2010 plans are incorporated by reference as Exhibit B to this resolution [formerly Exhibit 1 to the 5-4-2010 hearing item PH -VPB- 07-012B].

B. The Village Council conditions/modifies the site approval/special exception as follows:

1. All variance requests from the 2008 plans are specifically recognized as withdrawn. This includes all height, story and natural terrain parking variances. The 2008 plan included a steeple up to 70 feet in height. No variance was needed for the steeple; it would have been permitted, as of right. The Applicant has voluntarily withdrawn its request for a steeple/church tower and said request is considered withdrawn.

2. The special exception to expand the non-public school use onto 8001 SW 184th Street is approved with conditions.

3. The request to increase the non-public school number of students to 1150 is denied. A condition to allow expansion to 900 students is granted.

4. Preliminary Conditions:

4.1 The Applicant shall execute a unity of title document to be recorded in the public records of Miami-Dade County, which unity of title shall covenant (or provide a covenant in lieu of unity of title) the property holder(s) to join the parcels together [7900 SW 176th Street and 8001 SW 184th Street] as one parcel, in a form approved by the Village Attorney, consistent with

the requirements of the Village's Land Development Code². The covenant shall be in final form for recording within 45 days of final approval. No permits shall issue until the covenant/unity of title is recorded.

4.2 The Applicant shall record an acceptable and approved restrictive covenant running with the land for specific conditions, which covenant shall exist for 30 years, and automatically renew for 10 year periods, thereafter.

4.3 Any substantial modification [pursuant to 30-30.3(c) of the Village's Code of Ordinances] or abandonment of the attached site plan shall require public hearing. The term "substantial modification" for the purposes of this approval shall mean a modification or substitute site plan of equal or lesser intensity, including floor area ratio, lot coverage, square footage, and height; and provide equal or greater setbacks, buffering, landscaping, and amenities. In no way shall student enrollment be expanded due to a substantial modification review.

4.4 Cap of Intensity of Uses and Student Population. Applicant shall limit future development and agrees that it shall not seek any further development approvals to increase the intensity of uses, to increase lot coverage, square footage, heights of structures, or exceed 900 students for 30 years following the recording of this covenant. Specifically, no buildings shall exceed two (2) stories or a roof elevation of 35 feet in height measured from finished floor.

4.5 Student Enrollment Defined and Reporting. Applicant shall not exceed 900 students in enrollment. Applicant agrees to submit an executed affidavit from the Headmaster of the School each year to the Village Manager, within 30 days of the first day of the applicable school year, identifying the number of students enrolled for the academic school year and attesting the number of students enrolled in the school. This information shall be provided to the Village, annually, for as long as a school is located on the site. Applicant agrees and acknowledges that the "maximum number of students" shall mean the actual number of students enrolled at the school as reported to the State of Florida and the Florida Council of Independent Schools and shall not be the daily average attendance, nor exclude any students that may be traveling/studying abroad. The Applicant shall provide a copy of the FCIS to the Village once it becomes available. The maximum number of students shall include all student transfers during the school year. Any increase in students enrolled at the school after the initial annual enrollment is disclosed shall be reported to the Village within five (5) business days of the event.

4.6 Should Applicant violate section 4.5 relating to the number of students enrolled by exceeding 900, and should Applicant fail to cure the excess enrollment within 30 days of written notice, such an act shall constitute a false statement or misrepresentation of fact that would permit the Village to revoke the most recent building permit or certificate of occupancy issued by the Village.

4.7 Student expansion shall comply with the timetable provided, attached hereto as Exhibit "C" [formerly Exhibit 7 to the 5-4-2010 hearing item PH -VPB- 07-012B] to this

² Although a unity of title, or covenant in lieu of, shall be required, in order to facilitate understanding the conditions contained in this application, the addresses of 7900 SW 176th Street and 8001 SW 184th Street shall be utilized in this order.

resolution, but modify the timetable to reflect the number of students approved herein at Section 4.4. Instead of having the increase of 300 students by year eight of the Exhibit "C", there would be an increase of 300 students by the earliest of year 15 under Exhibit "C."

4.9 Community Relations Committee. The Applicant shall create a Community Relations Committee that will be charged with the responsibility of facilitating future discussions with neighbors (properties within 2500 foot radius) in an effort to avoid or resolve potential disputes between the Applicant, the neighbors, and the Village. The Applicant agrees to cooperate and act in good faith with the Community Relations Committee. The Committee shall be a voluntary group, with three (3) representatives from the Applicant, and three (3) representatives from the neighborhood, as selected by the Village Council, and a representative from the Village Manager's Office. The group shall meet as needed, but not less than twice a year (once every six (6) months). The Village shall be provided with prior written notice of all such meetings, if possible at least two weeks in advance of any such meeting(s). The actions of the group shall not be binding. Rather, the group meetings are intended to be a mechanism for communication, discussion, and resolution of any items.

4.10 The Applicant agrees and affirms that there will be no objection now or in the future to controlled burns conducted by Miami-Dade County at Bill Sadowski Park for the park's management. The Village will attempt to coordinate with Miami-Dade County to provide the Applicant with prior notice of controlled burns. The Applicant further agrees not to interfere, due to lighting issues, with night program schedules for Bill Sadowski Park.

4.11 The Applicant shall comply with all applicable State, County, and Village Codes and Ordinances, including but not limited to the Village's Art in Public Places Ordinance.

4.12 Unpermitted and unconstructed portions of prior development approvals (1999 plans, 2000 and 2010 substantial compliance reviews) shall be considered withdrawn and abandoned. The Applicant shall comply with condition 5.10 relating to the portables.

4.13 An official inspector of the Village, or its agents duly authorized, have the privilege, at any time during normal working hours, of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions contained herein are being complied with. Village Code Compliance shall conduct bi-annual inspections for compliance with the terms and conditions of this zoning resolution.

4.14 Applicant shall comply with the Land Development Regulations for maintain the sanitary sewer concurrency levels, during construction and throughout operations.

4.15 In compliance with the requirements of Section 33-151.51, of the County Code, the Applicant shall record a covenant running with the land that ensures compliance with the minimum footage requirements, calculations and conditions upon which the additional square footage has been permitted.

5. Pre Construction – Construction – Build Out Conditions:

5.1 All components of the approved site plan shall be completed according to the schedule attached hereto, which provides that the approved construction shall not be completed earlier than 15 years and no later than 25 years from the date of zoning approval. The Preliminary Construction Schedule for Phase 1 is enclosed as Exhibit D [formerly Exhibit 6 to the 5-4-2010 hearing item PH –VPB- 07-012B] to this resolution. This recommendation is consistent with the newly adopted Land Development Code, Section 30-30.2(d)(16) and (k), relating to requiring a construction plan and timetable.

5.2 Staggering of Student population. The increase in student population to 900 shall occur incrementally over the entire term of the project.

5.3 Construction Staging:

5.3.1 The Applicant shall annually submit a construction staging plan for review and approval prior to commencement of construction. Phase 1 is enclosed as Exhibit D. Council approved additional conditions for Phase 1, which are found below.

5.3.2 Construction staging shall take place as preapproved by the Village's Planning & Zoning and Building Directors, on the property known as 8001 SW 184th Street, where possible, toward the center of the property, away from the proposed 75 foot buffers.

5.3.3 Construction trailers for staging area are permitted under the Village's Code.

5.3.4 The staging area may be cleared during Phase 1 of the construction plan.

5.3.5 Construction shall comply with the noise controls provided in the Village's Code of Ordinances, section 30-60.29.

5.3.6 The driveway area may also be cleared during Phase 1.

5.3.7 Access points by construction vehicles shall be identified as part of the Construction Plan for Village approval. No construction vehicle shall access through the neighborhood. Unless necessary for a specific item, no construction vehicles shall access through SW 176th Street. All other construction vehicles must use the SW 184th Street once that entrance is constructed under the Phase 1 Construction Plan.

5.4 Permitting and Property Clearance. The Applicant shall not remove any trees outside the 75 ft. buffer, unless a building permit and/or tree removal permit, if required, has been secured for the construction of the work being requested. At no time shall the entire 8001 SW 184th Street site be cleared all at once.

5.5 Construction Air Quality Management Plan. The Applicant shall provide a Construction Air Quality Management Plan on the construction drawings that, at a minimum, includes protecting ducts during construction and changing the filters and vacuuming ducts prior to occupancy. The submitted plans must note compliance with this provision.

5.6 MOT Plan. A construction and Maintenance of Traffic (MOT) Plan shall be provided to the Building and Public Works Departments for approval.

5.7 The Applicant shall comply with the Village's demolition and construction fencing ordinance.

5.8 The entrance and roadway onto 8001 SW 184th Street may be constructed prior to any other improvements. However, the required perimeter walls (eastern and western property lines) and 75 ft. buffers, to be located at 8001 SW 184th Street, with required landscaping shall be installed and/or constructed prior to the commencement of construction of any additional structures or improvements. The wall shall be constructed, and then the buffer shall be installed, no later than two (2) years of receiving the final zoning approval. One extension of time, not to exceed six (6) months, may be granted by the Planning & Zoning Director, upon a showing of good cause. "Good cause" would include timely request for permits, submitting for inspections and reviews, diligent efforts to adhere to the construction schedule, and force majeure type events (weather delays or civil unrest).

5.9 The Applicant shall work with the Village and County to install "Do not Block Intersection" signs along SW 184th Street from SW 82nd Avenue to Old Cutler Road.

5.10 The existing portable classrooms trailers located along the western edge of 7900 SW 176th Street shall be eliminated as soon as replacement facilities are constructed, and within 18 months after final zoning approval. One extension of time, not to exceed six (6) months, may be granted by the Planning & Zoning Director, upon a showing of good cause. "Good cause" would include timely request for permits, submitting for inspections and reviews, diligent efforts to adhere to the construction schedule, and force majeure type events (weather delays or civil unrest).

5.11 Failure to construct the replacement facilities for the portables described at section 5.10 within the time period provided therein shall require that the portables be removed immediately upon the expiration of the 18 month period. One extension of time, not to exceed six (6) months, may be granted by the Planning & Zoning Director, upon a showing of good cause. "Good cause" would include timely request for permits, submitting for inspections and reviews, diligent efforts to adhere to the construction schedule, and force majeure type events (weather delays or civil unrest). Failure to remove the portables shall also result in the denial of future permits due to site plan violations in addition to any other remedy provided below under Section 15, "Enforcement."

5.12 During Phase 1 of construction and within two (2) years of approval, the Applicant shall install the recommended turning lane contained in condition 8.11(a) ["Old Cutler road/SW 184th Street – Add a southbound right turn lane; signal phasing adjustments"].

6. Athletic Fields and Amenities:

6.1 The Applicant shall not use the athletic fields for commercial purposes such as renting, leasing, or allowing third-parties unaffiliated with the operation of the school (no third-party organizations or groups) to use the recreational facilities. Applicant shall annually provide

proof of existing division-type play, tournaments, organized sports and uses of its facilities to the Village. Prior to the beginning of each season, for each sport, the Applicant shall provide the Village with a list of proposed events – tournaments and league play.

6.2 The Applicant shall submit a proposed list of school special events planned for each school year to the Village Manager not later than August 15th of the applicable school year for Village administrative review. Any other/additional special event shall require advanced notice for review as a special event under the Village's procedures. A police officer, or equivalent, shall be required to be present at all special events held at the school, if required by the Village's Code, after review as a special event permit.

6.3 Solely one (1) athletic tournament, jamboree, or division-type play (where numbers of spectators and opposing team(s) are invited to play on site) shall take place at one time on the property (7900 SW 176th Street through 8001 SW 184th Street). To be clear, this condition relates to holding one event. Not several events, different sports, at same time. Any athletic tournaments, etc., may take place after normal school operating hours (after 3:00 p.m.) and weekends from 10:00 a.m. and 3:00 p.m.

6.4 No bleachers shall be located adjacent to the eastern and western buffers of 7900 SW 176th Street and 8001 SW 184th Street. Adjacent shall mean not within 20 feet of the buffers.

6.5 The Applicant shall provide fencing for the tennis center.

6.6 The Applicant shall not install lighting for outdoor uses other than the parking areas, and any emergency lighting requirements of the Code. The interior of the pool may contain lights. Lighting of the athletic fields is prohibited.

6.7 The pool shall be enclosed with a fence and hedge with a minimum height of six feet (6 ft.) and comply with the safety barrier requirements of 33-151.11 through .22 of the Code. Any interior chain link fencing shall be poly-coated vinyl and black or green in color. The pool shall not be constructed during Phase 1 and is not to be constructed for at least five (5) years after final zoning approval.

6.8 The Applicant shall comply with conditions 4.10 and 10.4 relating to lighting and Bill Sadowski Park.

7. Landscaping:

7.1 The Applicant shall meet all the minimum requirements of Division 30-100 of the Village's Code of Ordinances, Chapter 24 of the Miami-Dade County Code and specifically comply with all conditions imposed by Miami-Dade County DERM.

7.2 The Applicant shall covenant that no improvements, other than as provided for in recommendation 7.3, shall be permitted within the confines of the buffer area (i.e. no roads, parking, storage sheds, recreational, sports, or any other use that may negatively impact the buffer).

7.3 The buffer shall be landscaped in accordance with the Applicant's revised landscape plan received by the Village on April 19, 2010. In addition, the Applicant shall construct a three and a half foot (3.5 ft.) berm on the interior, internal to the site, adjacent to the six foot (6 ft.) CBS wall to be constructed along the eastern and western perimeter of 8001 SW 184th Street. The berm shall be approved by the Planning & Zoning staff as part of the landscape plan review. The landscape buffer, as indicated on Sheet 39, shall be installed along the entire eastern and western perimeter throughout the 75 foot buffer for the area known as 8001 SW 184th Street. The berm shall be incorporated into the buffer design, found at Sheet 39 (maintenance path shall be reduced in width as provided in these conditions). The layout found at Sheet 39 shall not be limited to solely the parking area adjacent to the buffer, but rather throughout the buffer fringe – creating a solid hedge along the interior edge of the buffer.

7.4 The eastern and western buffers along 8001 SW 184th Street may contain a meandering pedestrian path, within the innermost/interior 25 feet of the 75 foot buffer. The Applicant shall limit the meandering walking path to a maximum width of six feet (6 ft.). The pedestrian path shall solely be used for pedestrian/walking/ running purposes.

7.5 Where practicable, the maintenance path and the meandering walking path shall be the same path, along the eastern and western buffers for 8001 SW 184th Street. Final determination/approval of "where practicable" shall be made by the Village's Planning & Zoning Director. Otherwise, the maintenance path shall be limited to a maximum width of eight feet (8 ft.) and should be used solely for maintenance purposes. The Maintenance portion of the "joint-path" shall not be paved [the increase to eight (8) feet – a two-foot non-paved area surrounding the six foot (6 ft.) pedestrian path]. All other buffers shall solely contain an unpaved, up to eight (8) foot maintenance path.

7.6 The eastern and western perimeters of 8001 SW 184th Street shall contain a concrete wall six, feet (6 ft.) in height, finished on both sides and maintained by the Applicant. The southern boundary at SW 184th Street and northern boundaries at SW 176th Street shall provide a six foot (6 ft.) wrought iron fence with masonry columns. The eastern and western perimeters of 7900 SW 176th Street already contain a six foot (6 ft.) concrete wall that shall be required to be maintained, on both sides.

7.7 The Applicant shall provide and/or replace landscaping improvements along SW 184 Street and SW 176 Street fronting the school in compliance with the Village's Street Tree Master Plan prepared by O'Leary Richards Design Associates, Inc., and in coordination with the Village's Public Works and Planning & Zoning Departments.

7.8 The Applicant shall preserve existing trees (including native trees) during the development of the project, wherever possible. If the trees must be removed, the Applicant shall be required to mitigate the impact in accordance with Village and DERM requirements. If the relocated trees do not survive, the Applicant shall be required to replace the trees in compliance with DERM and Village requirements.

7.9 The Applicant shall install additional oaks and planting materials on the northwest perimeter of buildings no. 16 and 18 in order to provide additional screening to the adjacent

neighborhood located on the western boundary of the property. The Applicant is to provide two (2) native trees and a cluster of palms.

7.10 The pool area shall be landscaped as provided under section 6.7, above.

7.11 The Applicant shall prohibit parking by faculty, visitors, and students on the rights-of-way bordering the school by planting and maintaining landscaping along the rights-of-way in accordance with Village requirements. The Applicant shall work with the Village and County to install "No Parking" signs for the right-of-way along SW 176th Street and SW 184th Street.

7.12 Applicant shall maintain the areas identified herein as "buffer" and shall be required to perpetually maintain the landscaping within the buffer with the identified native species and other plantings provided in the landscape plan. At no point shall structures be constructed within the buffer area. The buffer shall consist of the 75 foot set aside along the east, west and southern perimeters of 8001 SW 184th Street; and the 50 foot set aside along the east, west, and northern perimeters of 7900 SW 176th Street.

7.13 Applicant shall provide annual update, plan, as to the maintenance for the buffer areas.

7.14 Buildings 16 and 18 shall require Live Oak trees, or comparable trees, every 20 feet on center for the length of the structures. Each tree shall have an overall height of 16 feet. For Building 16 the trees shall be planted along the west façade and for Building 18 along the east façade.

8. Traffic:

8.1 The Applicant shall be responsible for compliance with the Land Development Regulations relating to traffic concurrency requirements.

8.2 The Applicant shall hire one (1) police officer, or equivalent, during regular session, (per entrance) to control traffic during peak morning and afternoon school hours for each entrance to the school (SW 176th Street and SW 184th Street). The school shall also utilize a police officer for special events, as is required under condition 6.2.

8.3 The Applicant shall install traffic calming devices along the internal circulation driveways and roadways in compliance with the Site Plan and Traffic Study prepared by David Plummer & Associates, Applicant's traffic expert.

8.4 The Applicant shall control the entry points to the school by directing student, teacher, and staff vehicles to enter and exit the school from SW 184 Street driveway. The entrance to SW 176th Street shall solely serve as the drop-off and pick-up location for students. This process will be implemented through a decal program. The different color decals will be distributed and assigned to a specific driveway. The security gatehouse at each driveway will monitor for proper use of the decal. Violators shall be contacted by the school master and security to ensure proper enforcement.

8.5 The Applicant shall fund a series of peak hour intersection turning movement counts, and 72 hour link counts to be taken by the Village along SW 176 Street and at the school driveway entrance on that street. These are to occur on a random basis once each semester of school operations in perpetuity at the discretion of the Village.

8.6 If either the 1370 trip daily volume or 960 combined trip volume peak thresholds are violated, the Applicant will be notified in writing and be required to enact measures to bring the traffic volumes into compliance. To do so, the Village will require the school to propose at least three (3) imitative measures that would be enacted should the situation arise. Some of the mitigation measures that could be considered are color coded decal system (see condition 8.4); limiting access to/from SW 176th Street to the east only; license plate numbers entrance assignment; lottery assignment; controls/prohibitions/signing; and, closing internal roads so driveway entered must be exited. If the corrective action is not implemented within three (3) weeks of the school being noticed of the violation, the Village will require the entrance be closed until corrective action is implemented by the school. The Village will then verify that the actions to correct the violation are working through additional Village traffic counts paid for by the School.

8.7 The Applicant shall keep the entrance to SW 176th Street closed to vehicular traffic on weekends, holidays and all days when school is not in regular session.

8.8 The SW 176th Street entrance shall not be used for the delivery of goods or services to the school or by commercial vehicles. All buses and vans used to transport students to and from the property shall use SW 184 Street as ingress and egress.

8.9 The SW 176th Street entrance shall be closed at 7:00 p.m. everyday.

8.10 The Applicant shall develop an alternative transit mode feasibility program within three (3) years after receiving the zoning approval. The program should provide incentives for the student to use alternative mode of transportation such as carpool, public transportation or private mass transit to get to and from school.

8.11 The Applicant shall be responsible for implementing the following mitigation initiatives, as delineated in the David Plummer & Associates Report (Applicant's traffic expert), dated April 22, 2010:

- (a) Old Cutler Road/ SW 184 Street – Add a southbound right turn lane; signal phasing adjustments.
- (b) SW 184 Street at the project driveway – Construct an eastbound left turn lane.
- (c) SW 184 Street at the project driveway – Construct a westbound right turn lane.
- (d) Provide one off-duty police officer at each driveway during morning drop-off and afternoon pick-up periods to monitor/control traffic.

8.12 Applicant shall be responsible for all expenses relating to traffic control, police involvement, and police participation in traffic movements (the traffic plan). The traffic plan relating to the daily school use and/or for any special events at the school for the roadways shall

be subject to approval of Village Police Department and Village Police Officers are to be hired by and paid for by Applicant to manage traffic at entrance(s) to school and off-site locations affected by traffic conditions.

8.13 Applicant shall install a "No Left Turn" sign at the exit to SW 176th Street and shall preclude left-hand turns onto SW 176th Street, westbound, from the Applicant's SW 176th entrance. This condition shall be required, at a minimum, during peak hours.

8.14 If vehicle stacking/queuing spills-over onto SW 176th Street, the applicant shall be required to provide additional on-site stacking to accommodate the spill-over. This would require a modification of the circulation plan, which shall be reviewed by the appropriate Village Departments for Compliance. The Applicant shall not be required to obtain Council approval to make the necessary stacking related, circulation modifications to the interior of the property.

8.15 Applicant shall comply with the "safe routes to school" requirements of 1006.23, Florida Statutes.

8.16 Applicant shall install public sidewalks within the Rights-of Way fronting Applicant's properties – 7900 SW 176th Street and 8001 SW 184th Street, after receiving approval from the appropriate governmental agencies (County and Village).

8.17 The Village shall bi-annually (every six (6) months) test to ensure that there is a limitation of neighborhood cut-through traffic. The Village shall analyze the traffic data and determine corrective measures to limit such cut-through traffic. Based upon the testing, the Village shall implement such corrective measures needed to enforce the Village's goal (for example, installing no turn signs at certain hours, etc.). This is an obligation of the Village.

8.18 As part of Phase I, per exhibit D, the Applicant shall complete the turning lanes at the new SW 184th Street entrance.

9. Parking Related Conditions

9.1 Comply with condition 7.11 relating to precluding right-of-way (ROW) parking. Cross-reference with section 7.9, above.

9.2 No parking of vehicles in any of the interior buffers to the property (7900 SW 176th Street or 8001 SW 184th Street).

9.3 The Applicant shall install pavers in the parking lot to minimize the stormwater runoff impacts, rather than asphalt the entire parking area, in compliance with Section 28-6(b)(1), of the Village's Code of Ordinances.

9.4 No loud radios shall be allowed within the parking areas of the entire site.

9.5 Lighting shall be consistent with conditions 10.2 and 10.3, below.

9.6 That the Applicant shall maintain a sign prohibiting bus traffic, bus parking, student, faculty or visitor parking along the swales/entrances to the Applicant's property.

9.7 Proposed installation of 48 sable palms to be planted in the northwestern corner of 8001 SW 184th Street shall be replaced with Live Oak Trees, or other trees acceptable to the Village, as the Oaks shall reduce the "heat island effect," shall enhance the buffering of the site, and increase the tree canopy for the site. The landscaping for the parking lot shall be reviewed at permitting by the Planning and Zoning Department as to the number and type of trees.

9.8 A continuous hedge shall be incorporated around all parking areas and shall meet all requirements of Chapter 18A, subsections (I) and (J).

9.9 Applicant is not to create any additional, unimproved, temporary or permanent parking areas on the property.

10. Lighting & Energy:

10.1 The Applicant shall not install lighting for outdoor use other than for parking and/or Code required emergency lighting. The interior of the pool, below the water surface, may contain lights.

10.2 Applicant shall install and maintain parking area light fixtures which project the light rays directly to the parking surface, and shall include shields which restrict projection of light rays outward to adjacent properties and also restrict the upward projection of light rays into the night sky. Outdoor parking lot area light fixtures shall not cast more than 1/2 ft. candle at the property line.

10.3 The parking lot lights and all other outdoor lighting (whether for security, roadway or parking) should have a maximum overall height of 15 feet.

10.4 The Applicant shall not interfere with night programming at Bill Sadowski Park and no athletic field lighting shall be permitted so as preclude adverse effects to the night programming at the Park and residential community.

10.5 The Applicant shall be required to comply with the conditions of Section 28-6, of the Village's Code of Ordinances relating to the "Minimum Green Standards" (relating to LED lighting, pavers, energy saving fixtures and water conservation).

10.6 The Applicant shall provide roof location in those structures with flat roofs to install conduit from the electrical room for future Photovoltaic System (PV) installation. A minimum of 300 sq. ft. or larger of roof area in a south or west direction shall be dedicated and clear of vent pipes and other obstructions to allow for the installation of a future PV system. The submitted plans must note compliance with this provision.

10.7 The parking lot and internal circulation lights shall be placed on a timer consistent with the termination of operational hours and consistent with applicable codes.

11. Noise:

11.1 Noise emanating from athletic fields and bleachers shall not generate a direct sound pressure level in excess of 65 decibels at the school's boundaries, as provided under the Village's Code Section 30-60.29, as may be amended. The Village will notify the school and the Community Relations Committee of any violations of the noise ordinance. The Village and Applicant will immediately work together to develop corrective action(s). If the corrective action(s) is/are not implemented within three (3) weeks of its adoption, the Village will require that all after-hours field activities be temporarily postponed until the corrective actions are implemented by the school.

11.2 The Applicant shall install and maintain signs reading: "No radios beyond this point" at the guard house or other location approved by the Village's Planning & Zoning Department. Any student found by the Applicant's administration to have violated the sound restriction, after a warning, would be disciplined within the Palmer Trinity Rules and Procedures.

11.3 At 7900 SW 176th Street, the Applicant shall ensure bells, pulses, buzzers, or other sounds to signal class times during school operating hours on days when school is in session shall not generate a direct sound pressure level in excess of 65 decibels above ambient sound measured by the A-weighted scale at the school's boundaries, as provided under the Village's Code, Section 30-60.29, as may be amended.

11.4 At 8001 SW 184th Street, the Applicant shall use digital signage system or other non-noise devices approved and recommended by the American with Disability Act (ADA) and the ADA Standards for Accessible Design, to signal change of class times and announcements.

11.5 Any temporary public address speaker system or similar amplified sound device in the athletic fields shall not be operated between the hours of 5:00 p.m. and 10:00 a.m. (Monday thru Friday). On Saturday, the temporary public address speaker system or similar amplified sound device in the athletic fields shall not be operated between the hours of 2:00 p.m. and 10:00 a.m. The temporary public address speaker system shall be used in compliance with the Village's noise Ordinance 30-60.29, as amended, and shall not generate a direct sound pressure level in excess of 65 decibels at the school's boundaries.

11.6 Code Compliance shall bi-annually (every six months) test the noise levels of the Applicant's property from various locations and report back to the Community Relations Committee. The Applicant shall work with Code Compliance and the Committee to cure any violations of the Village's noise ordinance.

12. Environmental:

12.1 The Applicant shall provide a space for the collection and storage of recyclables. This provision provides convenient access to recycling facilities and encourages building occupants to utilize the recycling programs to their fullest. Projects shall comply with the minimum solid waste and recyclables storage requirements. Applicant shall depict the collection and storage area(s) location on submitted plans.

12.2 The Applicant shall use interior paints and wood finishes with low volatile organic compound levels that do not exceed 50 grams per liter flat, or 150 grams per liter non-flat. This shall be noted on the approved plans.

12.3 The Applicant shall hire an archeological consultant to execute a Phase 1 Archeological Survey prior to development. This will determine whether potential archeological sites exist within the property. A list of archeological consultants has been provided to the Applicant. The selected archeological consultant shall work closely with Miami-Dade County, Office of Historic and Archeological Resources, during this process. In the event, archeological resources are found, the archeological consultant and the Applicant shall contact the County's Office of Historic and Archeological Resources for guidance regarding additional testing and/or archeological monitoring. If unmarked human remains are located, Florida State Statutes 875.05 (Florida's Unmarked Human Burial Act) shall apply and all work shall cease. The State Archeologist shall then be notified.

13. Operations.

13.1 Service and delivery vehicles, including solid waste pick-up, shall be restricted to Monday through Friday, between the hours of 7:00 a.m. to 7:00 p.m. [consistent with 30-60.29(e)(7), of the Code]. Saturday deliveries would be allowed from 10:00 a.m. to 1:00 p.m. Service and delivery vehicles shall use the SW 184th Street entrance. This requirement shall be implemented upon the construction of the SW 184th Street entrance.

13.2 Service, delivery and storage areas and equipment shall be adequately screened and located away from view of adjacent properties, in accordance with the proposed site plan.

13.3 That interior use of school facilities shall be restricted to the hours of operation between 6:00 am and 10:00 pm, provided that the use is by the Applicant for school-related purposes.

13.4 The property shall not be used for commercial leasing purposes. Commercial leasing purposes shall mean any use not directly affiliated with the school operations of the Applicant. In addition, it shall mean the use of the Applicant's property, buildings and facilities for economic value or profit through third-parties.

13.5 Service, delivery and storage areas and equipment shall be adequately screened and located away from view of adjacent properties, in accordance with the proposed site plan.

14. Structures.

14.1 The two (2) longer structures (building 16, the gymnasium and building 18, the performing arts building) should be modified as follows: the wider portion of these structures are approximately (260 ft x 149 ft.). The Southern portion of each building provides a "tail-like" continuation/extension of approximately 110 feet. These "tail-like" extensions should be setback/offset six feet (6 ft.) from the wider portions of each building. As to Building 16, the six foot (6 ft.) setback/offset should be towards the east boundary. As to Building 18, the six foot (6 ft.) setback should be setback towards the west boundary.

14.2 In addition, along the 110 foot setback portion of Buildings 16 and 18, there should be a colonnade or arcade, with first floor roof-like structure, to break-up the monolithic volume.

14.3 In compliance with section 7.12, Live Oak trees, or other equivalent type trees, with an overall size of 16 feet in height, should be planted along the remaining east side of Building 18 and along the remaining west side of Building 16, every 20 feet on-center for the length of the structures (area not covered by the first floor roof-like arcade structured area). The 16 foot trees should be root pruned to encourage their ability to survive the shock of planting.

15. Enforcement.

15.1 Non compliance with the approved site plan shall result in the denial of future permits and may result in a daily fine, per violation, as provided under section 15.2, below.

15.2 A violation of any of the development approvals and/or conditions of the Village Council will result in a \$500.00 a day fine, per violation. The Village shall provide Applicant with a reasonable period of time to cure. The Applicant is entitled to an appeal of the notice of civil citation pursuant to the procedures for the Village Special Magistrate, found at section 2-205 of the Village's Code.

15.3 Cross-reference with specific enforcement provisions relating to section 4.6 as to student population and removal of portables under section 5.11.

15.4 Authorization for the Village of Palmetto Bay to Withhold Permits and Inspections. In the event the terms herein are not being complied with, in addition to any other remedies available, the Village is authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as the conditions contained herein are complied with. The Village shall provide Applicant with a reasonable notice to cure period. The Applicant may follow the procedures for the Village Special Magistrate regarding any appeal.

15.5 Cross-reference with section 11.6.

This is a final order.

Section 5. Record.

The record shall consist of the notice of hearing, the application, documents submitted by the applicant and the applicant's representatives to the Village of Palmetto Bay Planning and Zoning Department in connection with the applications, the Village's recommendation and attached cover sheet and documents, the testimony of sworn witnesses and documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the Village Clerk.

Section 6. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 4th day of May, 2010. (Executed May 11th, 2010)

Attest: 
Meighan Rader
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Eve A. Boutsis,
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Howard J. Tendrich	<u>YES</u>
Council Member Shelley Stanczyk	<u>NO</u>
Vice-Mayor Brian W. Pariser	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>NO</u>

RESOLUTION 2010-48
EXHIBIT "A"



Village of Palmetto Bay

ZONING ANALYSIS

APPLICANT: Palmer Trinity Private School, Inc.

PH: VPB-07-012-B

PROPERTY ADDRESS: 7900 SW 176th Street,
8001 SW 184th Street

ITEM: 2

ZIP CODE: 33157

HEARING DATE: May 4, 2010

SECTION: 34-55-40

CONTINUED FROM ORIGINAL HEARING DATE: April 14, 2008

COUNCIL DISTRICT: 3

HEARING DATE: February 25, 2008

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; **APPROVING/DENYING** THE APPLICATION OF PALMER TRINITY PRIVATE SCHOOL, LOCATED AT 7900 SW 176TH STREET THROUGH 8001 SW 184TH STREET; **APPROVING/DENYING** THE SPECIAL EXCEPTION REQUEST TO EXPAND THE SCHOOL TO INCLUDE AN ADDITIONAL 32.2 ACRES, AND AN ADDITIONAL 550 STUDENTS AS PROVIDED FOR UNDER 33-151, ET SEQ., OF THE COUNTY CODE; AND PURSUANT TO SECTION 33-311 OF THE MIAMI-DADE COUNTY CODE FOR A SITE PLAN MODIFICATION ON PROPERTY ZONED E-M, LOCATED IN PALMETTO BAY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

1
2 **A. INTRODUCTION**
3

4 • **REQUEST(S):**
5

6 1. **Special exception for the expansion of a private school to**
7 **increase the enrollment from 600 to 1,150 students** [Original plan from 2008
8 hearings proposed 1,400 students on 55 acres (from 22.5 acres). See analysis
9 from the 2008 hearings as to the original details of the student expansion]. See
10 Exhibit 1, the April 19, 2010 plan.
11

12 The expansion plan proposes one of two alternatives – (1) an expansion of
13 students to include grammar school children - kindergarten through grade 5 and
14 increase the enrollment of students in grades 6 through 12; or, alternatively (2)
15 solely an increase in middle school and high school students (grades 6-12). In
16 the proposed revised site plan, dated April 19, 2010, the Applicant removed the
17 daycare, and preschool components. In either proposal, the total number of
18 students has been voluntarily reduced by the Applicant from 1,400, which had
19 been requested in the 2008 application, to a total of 1,150 students.
20

21 2. **Modification of a previously approved site plan;**
22

23 The Applicant has submitted a master plan, which has been revised since
24 its original submittal¹. The final site plan to be reviewed is dated April 19, 2010
25 and provides for the future use of the entire 55 acre site as a private school and
26 includes its long-range plan for the school's expansion. See Exhibit 1.
27 Accordingly, the Applicant is requesting a modification of its previously approved
28 site plan from 1999, approval is documented at Miami-Dade County resolution
29 C-ZAB-132-99, to reflect Applicant's vision for the school. See analysis from
30 2008 hearings as to original site plan details, which can be found at Exhibit 2.
31

32 Staff review of the special exception and site plan modification is based upon the
33 assumption that the district boundary change request (rezoning) of the site
34 known as 8001 SW 184th Street from AG and E-2 zoning to E-M is approved.
35 Denial of the rezoning would preclude review of the requests contained herein.
36

37 3. The 2008 application contained a request for a non-use variance of
38 parking requirements to permit parking on natural terrain, where not permitted.
39 This request has been eliminated from the modified site plan dated April 19,
40 2010. [See analysis from the 2008 hearings as to the original details of the
41 variance request]. **This request has been withdrawn.**
42

¹ Applicant filed its application in 2006. The 2006 plan had been modified prior to the February and April 2008 quasi-judicial hearings ("original plan"). The final plan being reviewed is dated April 19, 2010.

1 4. The original 2008 application contained variance requests for
2 height and number of stories to allow a maximum height of 50'-7" for certain
3 proposed new buildings to include a chapel, a performing arts center, a
4 library/media center/administration building and a gymnasium where 35 ft. is
5 permitted, as well as to allow three (3) stories where two (2) is permitted for the
6 library/media center/administration multi-purpose building. These requests have
7 been eliminated from the April 19, 2010 plan. [See analysis from the 2008
8 hearings as to the original details of the height and story variances request.]
9 **These requests have been withdrawn.**

10
11 The 2008 plan included a steeple up to 70 feet in height. Under the County
12 Code, no variance was required for the steeple, as it would have been permitted
13 "as of right." **The Applicant has voluntarily withdrawn its request for a**
14 **steeple/church tower and the request is considered withdrawn.**

15
16 The Palmer Trinity Private School Campus Master Plan, as revised and dated
17 April 19, 2010, and prior submittals are on file and may be examined in the
18 Planning and Zoning Department of the Village of Palmetto Bay. Plans may be
19 modified prior to and at the public hearing.

20
21 • **LOCATION:** 7900 SW 176 Street and 8001 SW 184th Street,
22 Miami-Dade County, Palmetto Bay, Florida.

23
24 • **LOT SIZE:** 55+/- Acres
25

26
27 **B. NEIGHBORHOOD CHARACTERISTICS:**

28
29 **ZONING**

LAND USE DESIGNATION

30
31 **Subject Property:**

32
33 E-M (existing private school)
34 Estate Modified Single-Family
35 (minimum 15,000 sq.ft. lot area)
36

Estate Density Residential;
less than 2.5 d.u. per gross acre

37 AG (mango grove)
38 Agricultural
39

Estate Density Residential;
less than 2.5 d.u. per gross acre

40 E-2 (mango grove)
41 Estate Single-Family
42 (minimum 5 acres lot area)
43

Estate Density Residential;
less than 2.5 d.u. per gross acre

44 **Surrounding Properties:**

45
46 **NORTH:** E-M; Estate Modified

Estate Density Residential;

1	Single-Family	less than 2.5 d.u. per gross acre
2	(minimum 15,000 sq.ft.	
3	lot area)	
4		
5	SOUTH: Town of Cutler Bay	
6		
7	EAST: Bill Sadowski Park;	Parks and Recreation
8	E-M; Estate Modified	Estate Density Residential;
9	Single-Family	less than 2.5 d.u. per gross acre
10	(minimum 15,000 sq.ft.	
11	lot area);	
12	E-1; Single-Family	Estate Density Residential;
13	(minimum one acre lot size)	less than 2.5 d.u. per gross acre
14		
15	WEST: E-M; Estate Modified	Estate Density Residential
16	Single-Family	less than 2.5 d.u. per gross acre
17	(minimum 15,000 sq.ft.	
18	lot area);	
19	E-1; Single-Family	Estate Density Residential;
20	(minimum one acre lot size)	less than 2.5 d.u. per gross acre
21		

22 The Applicant's property is comprised of a 55-acre parcel of land, that was
23 previously zoned under three (3) different zoning classifications (AG, E-2, and E-
24 M), and is surrounded by the Estate-Modified (E-M) Single-Family zoning district.
25 Prior to hearing the application for special exception and site plan modification,
26 the Applicant requested that the 32.22 acres property bearing address 8001 SW
27 184th Street be rezoned from AG and E-2 to E-M. The zoning analysis contained
28 herein presupposes that the rezoning has occurred. Failure to rezone the
29 property shall result in termination of review of the Applicant's requests for the
30 special exception and site plan modification.

31
32 The Town of Cutler Bay is located to the south of Applicant's property. The 8001
33 SW 184th Street property adjoins the "northern" portion of the property bearing
34 the address 7900 SW 176th Street. Except for the Applicant's existing private
35 school at 7900 SW 176th Street, and Bill Sadowski Park bordering the
36 northeastern portion of the Applicant's property, the surrounding neighborhood is
37 characterized predominantly by detached single-family homes. Canals are
38 located to the west (between SW 84th Avenue and SW 83rd Court) and north
39 (between SW 173 Terrace and SW 175th Street). To the east of the property is
40 Old Cutler Road. To the south of the property is SW 184th Street (Eureka Drive).
41 The canals and roadways serve as immediate natural borders for the residential
42 neighborhood surrounding the Applicant's property and school use. The lots
43 immediately to the east and west along the southern edge of the subject property
44 on S.W. 184th Street are zoned E-1, Single-Family, (one unit per gross acre) and
45 are comprised of single-family homes. To the east and along Old Cutler Road
46 there is a church, a pre-school and kindergarten, Village Library, VMU (Village

1 Mixed-Use), a commercial and residential use, district, and both the E-1 and E-M
2 sized lots containing single-family home uses.

3
4
5 **C. SITE AND BUILDINGS:**

6
7 **Site Plan Review:**

8
9 Scale/Utilization of Site: Acceptable with conditions
10 Location of Buildings: Acceptable with conditions
11 Height of Buildings: Acceptable
12 Compatibility: Acceptable with conditions
13 Landscape Treatment: Acceptable with conditions
14 Open Space: Acceptable with conditions
15 Buffering: Acceptable with conditions
16 Access: Acceptable with conditions
17 Parking Layout/Circulation: Acceptable with conditions
18 Visibility/Visual Screening: Acceptable with conditions
19 Service Areas: Acceptable with conditions
20 Signage: As required under the County Code, Section
21 33-100.

22
23 Art in Public Places: Not a part of this application. The Village requires
24 compliance with Art in Public Places ordinance.

25
26
27 **D. NEIGHBORHOOD SERVICES**

28
29 **DERM** No objections, subject to conditions
30 stated in attached report.

31
32 **Public Works** Objections raised in 2008 by Miami-
33 Dade County Public Works, as stated in
34 the attached report. Objections were
35 addressed by Applicant.

36
37 Objections raised by Village Public
38 Works during 2008 hearings. See
39 analysis from 2008 for further details.
40 Applicant submitted updated traffic
41 report, which has been reviewed by the
42 Village's Traffic Engineering Consultant,
43 The Corradino Group. All reports
44 attached. Corradino's recommendation
45 is to approve, with conditions.
46

1	Parks	Comments requested from Miami-Dade County Parks & Recreation; no objections subject to condition 4.9.
2		
3		
4		
5	Fire Rescue	No objections, subject to conditions stated in attached report.
6		
7		
8	Code Compliance	In 2008, the site was found to have code violations and corrective action was undertaken by Applicant. At this time, the sole item remaining to come into compliance is the removal of the two (2) portable classrooms that were to be removed according to the year 2000 substantial compliance review. The portables have not been removed. In 2008-9, Applicant sought a second substantial compliance review, in which Applicant proposed a timetable for bring the portables into compliance by constructing one of the structures from the 1999 plan and then eliminating the portables. Thereafter, in 2009, Applicant sought a construction permit to begin construction on the structure. However, the permit was not processed due to the Village's one (1) year construction moratorium implemented in order to enact the Village's Land Development Code. Applicant includes the building as part of this application and has represented that the structure shall be completed during Phase 1. Thereafter, the portables would be removed.
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36	Archeological Compliance	Miami-Dade County's Office of Historical and Archeological Resources on April 28, 2010, advised the Village that it has recently discovered archeological artifacts within the Bill Sadowski Park, adjacent to the Applicant's property. As a result, in compliance with County and State law, the County has requested an Archeological Survey, and cooperation from the Applicant should any archeologically significant finds be made
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46		

1 on the Applicant's site. See attached
2 request. No objection subject to
3 condition 12.3.
4

5 **E. IMPACT OF APPLICATION:**
6

7 **PHYSICAL IMPACT:** The Applicant currently operates a private school for 600
8 students on 22.5 acres located at 7900 SW 176th Street. The zoning district
9 boundary change, if approved on May 4, 2010, to E-M would then allow review of
10 the Application to physically expand and construct new buildings and additions to
11 serve the future needs of the school by incorporating the 32.22 acres of land
12 located at 8001 SW 184th Street into the proposed master plan.
13

14 The modification to the previously approved site plan (site plan approval was in
15 1999 for 7900 SW 176th Street) will allow the school's expansion program to
16 proceed (to expand through to 8100 SW 184th Street). The approval of the
17 special exception and site plan modification applications will allow the Applicant
18 to increase enrollment from 600 to 1,150 students and to build facilities to
19 accommodate a kindergarten through grade 5 elementary school; along with an
20 increase in student enrollment in grades 6 through 12; or alternatively to provide
21 for increased student population in grades 6-12 and eliminating the elementary
22 school component to the site². The 55-acre master plan (including both 7900
23 SW 176th Street and 8001 SW 184th Street) would provide for a performing arts
24 center, chapel, library, visual arts center, pool house, media center, gymnasium,
25 updated dining hall, administrative offices, and new classrooms. Academic
26 studies will remain predominantly 7900 SW 176 Street, with the 8001 SW 184
27 Street addition to be used for parking and recreational uses. The master plan,
28 and revisions thereto, has been designed by the firm of Duany Plater-Zyberk. In
29 2008, the landscape architectural plans were presented by Jorge L. Hernandez,
30 of Sanchez & Maddux, Inc. The 2010 landscape design plans have been
31 prepared by Robert Parsely, A.S.L.A., Geomantic Designs, Inc., and are included
32 in the submitted April 19, 2010, revised master plan.
33

34 The 55-acre site is proposed to accommodate 1150 students at a ratio of 2,083
35 sq.ft. per student. The following provides an enrollment and square footage/per
36 student comparison to other public and private school located in the area:

² The site plan requirements would change as it relates to parking and class room space due to what grade is to be utilized. The Applicant has not made a final determination as to the grade expansion. As such, the Applicant's April 19, 2010 plans reflect alternate parking and spacing requirements. Regardless of which use is ultimately provided, elementary or simply enhance middle and senior high school grades, the Applicant has provided the greater accommodation on the plans to ensure that no variances would ever be sought.

1

Schools ^{1,2}	Size (Acres)	Square Feet	Enrollment			Square Feet per Student		
			2007	2008	2009	2007	2008	2009
Southwood Middle School	18	784,080	1,665	1,610	1,512	471	487	519
Coral Reef Elementary	9.1	396,396	881	878	928	450	451	427
Perrine Elementary	9	392,040	809	840	857	485	467	457
Miami Palmetto Senior High	20	871,200	3260	3167	3087	267	275	282
Westminster Christian	24.2	1,054,152	1280	1160	1160	824	909	909
Coral Reef Senior High	65	2,831,400	2976	3027	2999	951	935	944

Note:

¹ The public school enrollment was provided by Miami-Dade County Public School.

² The private school enrollment was provided by the Florida Council of Independent Schools.

2

3 The Applicant's master plan, as revised and dated April 19, 2010, proposes
 4 enhanced 50 ft. landscape buffers around the northern perimeter (7900 SW 176th
 5 Street); and 75 ft. buffers on the southern perimeter (8001 SW 184th Street) of
 6 the property as shown on sheets 11 through 12. The April 19, 2010, landscape
 7 plan depicts five (5) different planting concepts using an array of trees (Applicant
 8 is required to provide 1,019 trees and has actually provided 1,128 trees), shrubs
 9 and ground cover (required: 10,190; provided: 11,456), depending upon the
 10 planting location. The master plan maintains open space throughout the campus
 11 by clustering principal structures within the central portion of the site. The
 12 landscape buffers and open space between the school and the neighboring
 13 residences should minimize impacts to adjacent properties. Based on the April
 14 19, 2010 plan, 1,439,333 sq.ft. (33 acres or 60% of the site) shall contained open
 15 space. The master plan proposes lot coverage at 9.4 percent, where 30 percent
 16 is allowed under E-M zoning.

17

18 To accommodate the increase in the number of students and administration, the
 19 master plan reflects a traffic circulation plan with on-site parking, and separate
 20 circulation pathways. The zoning code requires 837 parking spaces and the plan
 21 provides 852 parking spaces. Due to the nature of the use, it would be rare that
 22 837 spaces would be required at any one time. In order not to seek a variance,

1 the Applicant has withdrawn its request for a variance to park on natural terrain.
2 Applicant intends to use either asphalt or brick pavers, depending upon cost and
3 availability. The pavers would assist in drainage of the site. The Village has
4 used pavers, rather than asphalt, in several areas of the Village, including the
5 roundabout of the Village's Library and several traffic circles. The Applicant is
6 providing bicycle parking spaces to accommodate 72 bicycles.

7
8 Approval of the special exception and site plan modification would create certain
9 traffic impacts as documented in the attached traffic analysis from the Applicant,
10 and supported by the Corradino Group's analysis (the Village's expert traffic
11 consultant). The updated report reflects the 1150 students and associated trips
12 relating to travel to and from the site and proposed mitigation factors. The 8001
13 SW 184th Street site would provide two (2) driveways through approximately, the
14 middle of the property, for middle and high school student and teacher driving
15 and parking uses; stacking (note: the number of auto stacking spaces provided is
16 130, while 5 is required) to store vehicles as they enter the SW 184th Street
17 property; signalization modifications at Old Cutler Road and elsewhere; signage
18 modifications; and right and left turning lanes (deceleration lanes) into the school
19 from SW 184th Street. The existing north entrance off SW 176th Street is to be
20 reconfigured and is to be used exclusively for parent drop-off of children. The
21 plan proposes the use of decals separating drop-off vehicles from teacher
22 vehicles and upper class student vehicles that are entitled to park on the
23 property. Drop-off decal vehicles may use the SW 176th Street entrance.
24 Student and teacher decal vehicles shall solely use SW 184th Street.
25 Deliveries are to be made through SW 184th Street.

26
27 **ECONOMIC IMPACT:** The proposed expansion of Palmer Trinity Private
28 School onto the adjacent 32.5 acres, consists of an existing agricultural grove. In
29 2007, the land was valued at \$16.2 million, of which the school pays taxes on
30 \$580,000. This result in an annual property tax assessment of \$11,814.74. The
31 Village's tax share was approximately \$1,400, annually.* In 2008 and 2009, the
32 market value of the land was \$13,950,000 and \$7,110,000, respectively. This
33 results in an annual property tax assessment of \$523,000 and \$295,000,
34 respectively. The reported Village's tax shares for fiscal years 2008 and 2009
35 were approximately \$1,280.00 and \$721.86, respectively. Approval of the
36 expansion of the private school onto 8001 SW 184th Street will remove the
37 property from the property tax roles. If the property was re-zoned to E-M and
38 developed for single-family usage, the property would be subdivided into
39 approximately 79 single-family homes at 15,000 sq.ft. minimum lot size.

40
41 **Dollar amount is based on the 2007, 2008 and 2009 assessed property taxes for*
42 *the subject parcel.*
43
44

1 **F. ZONING HEARING HISTORY: (2-ZAB-85-61; 4-ZAB-159-79; 4-ZAB-**
2 **177-85; 4-ZAB-179-88; and C-ZAB-132-99)**

3
4 7900 SW 176th Street :

5
6 On November 22nd, 1961, the Miami-Dade County Zoning Appeals Board
7 approved a special exception to permit a school use and facilities incidental
8 thereto, including but not limited to classrooms, dormitories, library, cafeteria,
9 chapel, gymnasium, athletic field, and swimming pool at the EU-M zoned
10 property.

11
12 On April 12, 1979, the Miami Dade County Zoning Appeals Board approved, via
13 resolution 4-ZAB-159-79, under the special exception process, the request to
14 expand the private school and granted an unusual use to permit outdoor table
15 dining area for the student population.

16
17 On May 15, 1985, the Miami-Dade County Zoning Appeals Board approved, via
18 resolution 4-ZAB-177-85, a modification of Condition no 2 to Resolution 4-ZAB-
19 159-79, under the special exception process, to revise the site plan for the
20 existing private school to include a school classroom building expansion and an
21 additional parking area.

22
23 On April 27, 1988, the Miami-Dade County Zoning Appeals Board via zoning
24 resolution no. 4-ZAB-179-88, approved the application to modify Condition no.: 2
25 to Resolution 4-ZAB-159-79, to revise, under the special exception process, the
26 site plan for the existing private school to allow for the construction of a two-story
27 library/administration/classroom structure; a redistribution of classroom and
28 parking areas (allow a non-use variance to permit 152 parking spaces where 174
29 was required); continued use (under a non-use variance request) of the 19 ft.
30 wide, two-way drive where 22 ft. is required with fewer parking spaces than
31 previously provided; and, to allow for an addition of 200 students for a total of
32 600 students.

33
34 On March 16, 1999, the Miami-Dade County Zoning Appeals Board, via zoning
35 resolution no. C-ZAB-132-99 approved, a modification of Condition no. 2, to
36 resolution 4-ZAB-177-85 and resolution 4-ZAB-179-88 to allow a plan
37 modification to provide a non-use variance of parking requirements to provide
38 205 parking spaces where 363 were required, a non-use variance of setback
39 requirements to allow the existing basketball and tennis courts to remain at 18 ft.
40 the deletion of the Fine Arts Building from the plan, and to limit the height of the
41 chapel steeple to 35 ft.

42
43 8001 SW 184th Street:

44
45 The zoning history summarized above is related to the existing school's 22.5 +/-
46 acre parcel. No public hearings with regard to site plan approval have taken

1 place related to the 32.5 +/- acre parcel, 8001 SW 184th Street, acquired by the
2 school in 2003 is adjacent to the existing school site. The 2008 hearings resulted
3 in a ruling solely as to the Applicant's district boundary change request. On April
4 14, 2008, the Village Council denied the Applicant's request for a zoning change
5 from AG and E-2 to E-M. The decision not to rezone the property precluded the
6 council from ruling on the physical expansion of the Applicant's school and
7 associated modification of the site plan request.

8
9 Thereafter, a Petition for Certiorari review (appeal) was timely filed. The Village
10 Council decision was affirmed by the Circuit Court Appellate Division. Applicant
11 filed a second tiered Petition for Writ of Certiorari (second tiered appeal) to the
12 Third District Court of Appeal. On March 24, 2010, the Third District Court of
13 Appeal issued an opinion in Applicant's favor. On appeal to the Third District, the
14 Applicant contended that the Circuit Court departed from the essential
15 requirements of law in upholding Ordinance 08-06 because the current zoning
16 classification of the surrounding properties renders Parcel B [8001 SW 184th
17 Street] an "island" or "peninsula" resulting in impermissible "reverse spot zoning."
18 The Third District agreed with the Applicant's arguments and concluded that the
19 Circuit Court Appellate Division's decision upholding Village Ordinance 08-06
20 constituted a departure from the essential requirements of the law resulting in a
21 miscarriage of justice. (Note: Reverse spot zoning occurs when a zoning
22 ordinance prevents a property Applicant from utilizing his or her property in a
23 certain way, when virtually all of the adjoining neighbors are not subject to such a
24 restriction).

25 26 **G. COMPREHENSIVE PLAN**

27
28 1. Goal 1 of the Future Land Use Element is to guide the Village from birth to
29 early maturity as an outstanding and truly livable community by building upon,
30 and improving, the existing land use blueprint through visionary planning and
31 place-making, cost-efficient provision of high quality facilities and services,
32 quality neighborhood protection and enhancement of its unique and beautiful
33 coastal environmental resources.

34
35 2. The adopted 2005 Village of Palmetto Bay Future Land Use Plan of the
36 Comprehensive Plan designates the site Estate Density Residential (EDR).
37 Pursuant to policy 1.1.1, the residential densities allowed in this category shall
38 not exceed 2.5 dwelling units per gross acre. This density category is
39 characterized solely³ by detached single-family homes on relatively large lots.
40

³ The language of the Comprehensive Plan indicates "solely" single-family. In actuality, the majority of the Village's EDR designated area encompasses solely detached single-family units (no duplexes or multi-family units). As can be seen from the zoning map there are public and private schools, churches, etc, within or surrounding the detached single-family units in the EDR designated area. Additionally, other provisions of the Comprehensive Plan allow public schools and churches in the EDR designation.

- 1 3. Pursuant to policy 1.1.5, houses of worship and other permitted non-
2 residential uses continue to be allowed in all land use categories on the Future
3 Land Use Map (FLUM); however, if located in or near neighborhoods, adverse
4 impacts to the tranquility of the residents around the allowed use and in the
5 surrounding neighborhood must be minimized to the maximum extent possible.
6 Therefore, in residential land use areas, houses of worship and other permitted
7 non-residential uses, including private and public schools, are allowed, on a
8 conditional basis (zoning requires a special exception application).
9
- 10 4. Pursuant to policy 2A.1.7, the issuance of all development orders for new
11 development or significant expansions of existing development shall be
12 contingent upon compliance with the level of service standards contained in the
13 Comprehensive Plan.
14
- 15 5. Pursuant to policy 2A.5.4, the Village is committed to providing safe routes
16 to school for local elementary schools within municipal boundaries consistent
17 with the rules and regulations of Chapter 1006.23, of the Florida Statutes.
18
- 19 6. Pursuant to policy 2C.1.4, the Village is to coordinate with Miami-Dade
20 County to determine the feasibility for widening SW 184th Street from two-lane to
21 five-lanes with bicycle lanes and sidewalks to enhance access to the Florida
22 Turnpike and relieve pressure on the already over-capacity section of Old Cutler
23 Road within municipal boundaries. Furthermore, emphasis for improvements to
24 this corridor should also consider a streetscape master plan for the corridor with
25 common signage, landscaping, street lighting, and pavement treatments that
26 help reinforce this street as a gateway into Palmetto Bay.
27
- 28 7. Pursuant to policy 4A.3.3, the Village shall encourage the use of water-
29 saving "xeriscape" plants, watering techniques and landscape designs in existing
30 and future developed areas of the Village.
31
- 32 8. Pursuant to policies 4B.1.1, 4D.1.3, and 11.1.4 all development orders
33 shall ensure the Village's adopted sanitary sewer, solid waste and potable water
34 LOS standards are maintained both during construction and operation(s).
35
- 36 9. Pursuant to policy 4C.3.1, a primary objective of the Village's Stormwater
37 Master Plan is protection of surface water through the Land Development Code
38 requirements that mandate acceptable paving and drainage plans, adequate
39 open (pervious) space areas, and stormwater detention and retention in private
40 development projects.
41
- 42 10. Pursuant to policy 6.5.5, any new project or development is to
43 demonstrate that it does not create a substantial adverse impact to the
44 environment.
45

1 11. Pursuant to policy 6.7.5, native trees shall be preserved during
2 development or redevelopment wherever possible, and if any native tree must be
3 removed, at least two (2) native trees shall be planted to replace the removed
4 tree.

5
6 **H. PERTINENT REQUIREMENTS/STANDARDS⁴:**

7
8
9 **1. Special Exception**

10 An application for a private school to be placed in a residential district requires a
11 public hearing. The Applicant must comply with section 33-151.11 through 33-
12 151.22 of the Miami Dade County Code, as adopted by the Village⁵.

13
14 All day nurseries, kindergartens, after school care, and private school (regardless
15 of grade) uses must comply with Division 33-151 of the County Code. The term
16 "private school" or "nonpublic educational facility" shall mean an institution that
17 provides child care and/or instruction from the infant level through the college
18 level and which does not come under the direct operation and administration of
19 the Miami-Dade County School Board or the State of Florida. Only such uses are
20 intended to be controlled by this article and include, but are not limited to, the
21 following:

22
23 (a) *Day nurseries:* Child care for infants and children up to and
24 including age six (6). [Applicant withdrew request for day nursery].

25
26 (b) *Kindergartens.* Child care and preschool programs for children
27 ages four (4) through six (6).
28 * * *

29
30 (g) *Private school:* This term as used herein refers to any private
31 institution providing child care and/or instruction at any level from infants through
32 the college level.

33
34 (h) *Child, student, pupil.* The terms "child," "student," "pupil," and their
35 plurals are used interchangeably in this article.

36
37 (i) *Elementary, junior and senior high schools:* References to these
38 schools are to be loosely interpreted to encompass any schools, graded or un-
39 graded, whose students are within the age ranges typically found at these school
40 levels.
41

⁴ See Exhibits 8 and 9 relating to case law memorandum and C.V. of George Knox.

⁵ The Applicant filed its application on September 6, 2006, prior to the adoption of the Village's Land Development Code, Division 30-110, entitled "Private Schools and Child Care Facilities." The Village's Code provisions mirrors Miami-Dade County, section 33-151-11 through 33-151-22. The County Code shall be utilized in reviewing the special exception request.

1
2 Pursuant to section 33-151.13, all such private schools facilities must meet the
3 requirements of Division 33-151, and the requirements of the particular zoning
4 district in which they are located, if that district is one (1) in which the facility is a
5 permitted use.

6
7 As a condition of approving the use or site plan as required by Section 33-
8 151.15, the Director shall require a recorded covenant establishing (A) the
9 calculations and conditions upon which the additional square footage has been
10 permitted; and (B) restricting the area designated for child care to child care use,
11 only.

12
13 Pursuant to section 33-151.15, the Applicant is to provide certain detailed
14 calculations and information related to the use. This information was included in
15 the zoning agenda package of February 25th, 2008, and in the April 19, 2010 plan
16 submittal, under the "Childcare Checklist Requirements for a Zoning Hearing."
17 This information includes: (1) total size of the site; (2) maximum number of
18 students to be served; (3) number of teachers, administrative and clerical
19 personnel; (4) number of classrooms and total square footage of classroom
20 space; (5) total square footage of non-classroom space; (6) amount of exterior
21 recreational/play area in square footage; (7) number and type of vehicles that
22 will be used in conjunction with the operation of the facility; (8) number of
23 parking spaces provided for staff, visitors, and transportation vehicles, and
24 justification that those spaces are sufficient for this facility; (9) grades or age
25 groups that will be served; (10) days and hours of operation; (11) means of
26 compliance with requirements by the Miami-Dade County Fire Department,
27 Miami-Dade County Department of Public Health, the Department of Health and
28 Rehabilitative Services, and any federal guidelines applicable to the specific
29 application; and (12) graphic information as to the site and its uses. Staff has
30 incorporated by reference the information contained in the completed Child Care
31 Checklist application(s) under the April 19, 2010, submittal for alternative uses K-
32 12 or 6-12.

33
34 As part of the analysis, pursuant to section 33-151.16, staff is to calculate the
35 physical space requirements for multiple-use facilities, where a private
36 educational facility is to be operated in a structure simultaneously used as a
37 residence, church or other facility. As such, the area which will be specifically
38 used for a private school or child care facility during the hours of operation shall
39 be clearly defined. The area so delineated shall be used as the basis for
40 determining physical space requirements as provided in this article. No physical
41 space credit will be given for interior or exterior areas that are not restricted to the
42 school or childcare use during the hours of operation of said facility. No day-care
43 or child care uses are proposed in the April 19, 2010 plan.
44

1 Thereafter, staff is to adhere to the standards found at section 33-151.18, which
2 establishes the criteria in determining whether the application meets the County's
3 physical standards for private schools. In particular:

4
5 (a) *Outdoor areas.* Outdoor recreation/play areas shall be in
6 accordance with the following minimum standards, calculated in
7 terms of the proposed maximum number of children for attendance
8 at the school at any one time unless otherwise indicated.

9
10 Minimum Standards for Outdoor Recreation Playground/Play Areas:

11

<i>School categories</i>	<i>Required area</i>
Day nursery/kindergarten and preschool and after-school care	45 sq.ft. per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one time
Elementary school (grades 1-6)	500 sq.ft. per student for the first 30 students; thereafter, 300 sq.ft. per student
Junior and senior high school (grades 7-12)	800 sq. ft. per student for the first 30 students; 300 sq.ft. per student for the next 300 students; thereafter, 150 sq.ft. per student

12
13 Where there are category combinations, each classification shall be
14 calculated individually.

15
16 (b) *Signs.* Signs shall comply with district regulations as
17 contained in Chapter 33 of the Miami-Dade County Code; provided,
18 however, that the total square footage of all freestanding signs in
19 any residential district shall not exceed six square feet (6 sq.ft.) in
20 size. This application does not include a sign request. Signage will
21 be reviewed for compliance as part of the building permit process.

22
23 (c) *Auto stacking.* Stacking space, defined as that space in
24 which pickup and delivery of children can take place, shall be
25 provided for a minimum of two (2) automobiles for schools with 20
26 to 40 children; schools with 40 to 60 [children] shall provide four (4)
27 spaces; thereafter there shall be provided a space sufficient to
28 stack five (5) automobiles.
29

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(d) *Parking requirements.* Parking requirements shall be as provided in the Miami-Dade County Zoning Code, Section 33-124(1).

(e) *Classroom size.* All spaces shall be calculated on the effective net area usable for instruction or general care of the group to be housed. This space shall not include kitchen areas, bathrooms, hallways, teachers' conference rooms, storage areas, or any other interior space that is not used for instruction, play, or other similar activities. The minimum classroom space shall be determined by multiplying the maximum proposed number of pupils for attendance at any one (1) time by the minimum square footages, (1) through (4) below. Where a private educational facility is non-graded, calculations shall be based on the age level that corresponds to the grade level in the public school system. Where a school includes more than one (1) of the following categories, each category shall be individually computed:

- (1) Day nursery and kindergarten, preschool and after school care, 35 sq.ft., per pupil.
- (2) Elementary (grades 1-6), 30 sq.ft., per pupil.
- (3) Junior high and senior high (grades 7-12), 25 sq.ft., per pupil.
- (4) Baby-sitting service, 22 sq.ft. of room area, per child.

(f) *Height.* The structure height shall not exceed the height permitted for that site by the existing zoning.

(g) *Trees.* Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

* * *

Finally, after all this information is analyzed and a determination is made by Staff, the Village Council, pursuant to section 33-151.19, shall review the special exception request to place/expand the private school under the following standards, during a public hearing:

(a) *Study guide.* The study entitled "Physical Standards for Proposed Private Educational Facilities in Unincorporated Miami-Dade County," date 1977, shall be used as a general guide in the review of proposed nonpublic educational facilities; provided, however, that in no case shall the educational philosophy of a school be considered in the evaluation of the application.

(b) *Planning and neighborhood studies.* Planning and neighborhood studies accepted or approved by the Village Council that include

1 recommendations relevant to the facility site shall be used in the review
2 process.

3
4 (c) *Scale.* Scale of proposed nonpublic educational facilities shall be
5 compatible with surrounding proposed or existing uses and shall be made
6 compatible by the use of buffering elements.

7
8 (d) *Compatibility.* The design of the nonpublic educational facilities
9 shall be compatible with the design, kind and intensity of uses and scale of
10 the surrounding area.

11
12 (e) *Buffers.* Buffering elements shall be utilized for visual screening
13 and substantial reduction of noise levels at all property lines where
14 necessary.

15
16 (f) *Landscape.* Landscape shall be preserved in its natural state
17 insofar as is practicable by minimizing the removal of trees or the
18 alteration of favorable characteristics of the site. Landscaping and trees
19 shall be provided in accordance with Chapter 18A of this Code.

20
21 (g) *Circulation.* Pedestrian and auto circulation shall be separated
22 insofar as is practicable, and all circulation systems shall adequately serve
23 the needs of the facility and be compatible and functional with circulation
24 systems outside the facility.

25
26 (h) *Noise.* Where noise from such sources as automobile traffic is a
27 problem, effective measures shall be provided to reduce such noise to
28 acceptable levels.

29
30 (i) *Service areas.* Wherever service areas are provided they shall be
31 screened and so located as not to interfere with the livability of the
32 adjacent residential properties.

33
34 (j) *Parking areas.* Parking areas shall be screened and so located as
35 not to interfere with the livability of the adjacent residential properties.

36
37 (k) *Operating time.* The operational hours of a nonpublic educational
38 facility shall be such that the impact upon the immediate residential
39 neighborhood is minimized.

40
41 (l) *Industrial and commercial.* Where schools are permitted in
42 industrial or commercial areas it shall be clearly demonstrated in graphic
43 form how the impact of the commercial or industrial area has been
44 minimized through design techniques.

45

1 (m) *Fences and walls.* Recreation and/or play areas shall be enclosed
2 with fences and/or walls.
3
4

5 **2. Site Plan Modification of the 1999 Site Plan approved after**
6 **public hearing.**
7

8 In evaluating a site plan modification application, section 33-311, of the Miami-
9 Dade County Code provides that the Applicant must establish that:

10
11 1. The development application conforms to the
12 Comprehensive Plan for the Village of Palmetto Bay, Florida; is
13 consistent with applicable area or neighborhood studies or plans;
14 and would serve a public benefit warranting the granting of the
15 application.

16
17 (2) The development permitted by the application, if granted, will
18 have a favorable or unfavorable impact on the environmental and
19 natural resources of [the Village of Palmetto Bay], including
20 consideration of the means and estimated cost necessary to
21 minimize the adverse impacts; the extent to which alternatives to
22 alleviate adverse impacts may have a substantial impact on the
23 natural and human environment; and whether any irreversible or
24 ir retrievable commitment of natural resources will occur as a result
25 of the proposed development;

26
27 (3) The development permitted by the application, if granted, will
28 have a favorable or unfavorable impact on the economy of
29 [Palmetto Bay];

30
31 (4) The development permitted by the application, if granted, will
32 efficiently use or unduly burden water, sewer, solid waste disposal,
33 recreation, education or other necessary public facilities which have
34 been constructed or planned and budgeted for construction;

35
36 (5) The development permitted by the application, if granted, will
37 efficiently use or unduly burden or affect public transportation
38 facilities, including mass transit, roads, streets and highways which
39 have been constructed or planned and budgeted for construction,
40 and if the development is or will be accessible by public or private
41 roads, streets or highways.
42
43
44
45

1 Additionally, pursuant to section 33-311(A)(7), in order to obtain a site plan
2 modification the Applicant must demonstrate that the modification of the
3 underlying zoning resolution would not:

- 4
- 5 1. generate excessive noise or traffic;
- 6
- 7 2. tend to create a fire or other equal or greater dangerous hazard;
- 8
- 9 3. provoke excessive overcrowding of people;
- 10
- 11 4. tend to provoke a nuisance; and,
- 12
- 13 5. be incompatible with the area concerned, when considering
14 the necessity and reasonableness of the modification, in relation to
15 the present and future development of the area concerned.
- 16
- 17

18 **I. ANALYSIS:**

- 19
- 20 **1. Special exception to permit an expansion of an existing private**
21 **school onto 32.2 additional acres, including the addition of 550 additional**
22 **students (kindergarten through 5th grade and additional students in grades**
23 **6 through 12; or alternatively, an across the board increase of existing**
24 **grades).**

25

26 *Staff analysis:* The Applicant is required to comply with all the provisions of
27 Division 33-151, of the Miami-Dade County Code. Staff incorporates by
28 reference the Applicant's April 19, 2010 plan and the responses required under
29 to the Child Care Checklist Requirements for Zoning Hearing. See Exhibit 4. The
30 record from the 2008 hearings, including transcripts of those hearings, are on
31 disk and incorporated by reference. See Exhibit 3. This checklist, which has
32 been analyzed by staff, is confirmed to contain accurate information. It also
33 provides documentation that the Applicant has complied with the minimum
34 requirements of Division 33-151.11, .12, .13, .15, .16 and .18. Additionally, Staff
35 finds that the Applicant has complied with the criteria of section .19. Specifically,
36 Staff analyzed the April 19, 2010 master plan, according to those criteria. The
37 specifics of the criteria are as follows:

- 38
- 39 (a) Study guide. The study entitled "Physical Standards for
40 Proposed Private Educational Facilities in Unincorporated Miami-
41 Dade County," (1977), shall be used as a general guide in the
42 review of proposed nonpublic educational facilities; provided,
43 however, that in no case shall the educational philosophy of a
44 school be considered in the evaluation of the application.
- 45

1 *Staff analysis.* The 55-acre property accommodates the proposed 1,150
2 students required for complying with the Code's physical space requirements per
3 student.

4
5 (b) *Planning and neighborhood studies.* *Planning and*
6 *neighborhood studies accepted or approved by the Village Council*
7 *that include recommendations relevant to the facility site shall be*
8 *used in the review process.*

9
10 *Staff analysis:* Other than the Comprehensive Plan of the Village, the Village
11 has no other neighborhood studies approved or accepted by the Village Council
12 specifically relating to this neighborhood. The Village previously approved a
13 charrette plan for the VMU Future Land Use Designation, which developed into
14 the VMU zoning district in the Village's Land Development Code. The VMU
15 district, a mixed-use (commercial and residential) is adjacent to the subject
16 neighborhood; across Old Cutler Road. The Applicant's request complies with
17 the Village's Comprehensive Plan. See section G, above.

18
19 (c) *Scale.* *Scale of the proposed expansion of the private*
20 *school is compatible with surrounding proposed or existing uses*
21 *and maintains that compatibility by the use of buffering elements.*

22
23 *Staff analysis:* In order to provide guidance to reviewing and analyzing
24 subsection (c), staff has sought out and defined "scale", "compatibility,"
25 "maintain," and "buffer."

26 **Definitions**

27
28 Scale is defined as "1a. A system of ordered marks at fixed intervals used as a
29 reference standard in measurement... c. a standard of measurement or
30 judgment; a criterion. 2. a proportion used in determining the dimension
31 relationship of a representation to that which it represents. b. a calibrated line, as
32 on a map or an architectural plan, indicating such a proportion. c. proper
33 proportion: a new house that seemed out of scale with its surroundings. A
34 progressive classification, as of size, amount, importance or rank. 4. A relative
35 level or degree." The American Heritage Dictionary of the English Language (4th
36 Ed. Houghton Mifflin Co. 2000).

37
38 "Compatible" is defined as "capable of living or performing in harmonious,
39 agreeable, or congenial combination with another or others." The American
40 Heritage Dictionary (2nd College Ed. 1985). The Random House Dictionary of
41 the English Language 417 (2nd Ed. Unabridged 1987) similarly defines
42 "compatible" as "1. capable of existing or living together in harmony... 2. able to
43 exist together with something else." The American Heritage Dictionary of the
44 English Language (4th Ed. Houghton Mifflin Co. 2000) defines "compatible", as:
45 "adj. 1. capable of existing or performing in harmonious, agreeable, or congenial
46 combination with another or others; 2. capable of orderly efficient integration and

1 operation with other elements in a system with no modification or conversion
2 required.”

3
4 “Maintain” is defined as “1. to keep in an existing state (as of repair); 2. to
5 sustain against opposition or danger; 3. to continue in : carry on; and 4. to
6 provide for : support.” The Franklin, Merriam-Webster Dictionary (2007).

7
8 A “buffer” is defined as “1. something that lessens or absorbs the shock of an
9 impact. 2. one that protects by intercepting or moderating adverse pressures or
10 influences.” The American Heritage Dictionary of the English Language (4th Ed.
11 Houghton Mifflin Co. 2000).

12
13 *Analysis Continued:*

14
15 The issue of scale and compatibility as it applies to this project are addressed
16 both through (1) location of the structures in relation to the surrounding
17 residential use; and (2) the architectural style proposed in the Applicant’s master
18 plan.

19
20 **1. Location of Structures**

21
22 The school use was designed to concentrate buildings in a centralized location in
23 order to preserve as much land for green open space and to minimize impacts.
24 The buffer is intended to shield the neighbors from the buildings and normal uses
25 associated with the operations of a school. The principal buildings are actually
26 located in the middle of the 55-acre parcel, and clustered together to maintain the
27 educational elements in one, compact location. By locating the buildings towards
28 the middle of the property, the noise from the students should be minimized as
29 the students are not near the borders/edges of the property, adjacent to single-
30 family homes. The structures themselves should serve as acoustic barriers
31 interfering with the free distribution of sound. The buildings and parking across
32 are not adjacent to homes or property lines. The buffers are intended to shield
33 the view of the school from surrounding homes. The areas described as buffers
34 are located at the east, west, and south 75 foot perimeters of 8001 SW 184th
35 Street, and the north, east and west 50 foot perimeters of 7900 SW 176th Street
36 (hereinafter “buffers”).

37
38 **2. Compatibility**

39
40 The architecture of the proposed buildings is consistent with typical South Florida
41 architectural elements found in the community. The revised plan (April 19, 2010)
42 reflects “hipped roofs.” The larger buildings (Buildings 16 and 18) have flat roofs.
43 The Applicant’s use of flat roofs was intended to ensure that the interior space is
44 available for sports and/or performing art reasons and to ensure that the
45 structures comply with the 35 foot height limitation of the E-M zoning district. The
46 slope of the “hipped roofs” is at approximately 6:12 slope, which is in keeping

1 with traditional slopes found on most structures. Gable ends are used sparingly
2 and only used where a building is intended to provide a civic entrance or
3 presence. The buildings, themselves, are designed to create and enclose
4 outdoor spaces. The larger two (2) buildings, along with the chapel, are intended
5 to create a formal entry to the school while the remaining buildings define
6 "outdoor rooms" within which the students may socialize between classes.

7
8 The buildings are either a single-story or two-stories in height. The clustering of
9 the buildings around the "outdoor rooms" creates this "centralized" social area
10 internal to the site and away from the buffered areas. No structure exceeds 35
11 feet (two stories), which is consistent with the zoning for E-M, and the height of
12 several of the two-story homes surrounding the school.

13
14 These buildings will be screened from view due to the extensive landscape
15 buffering. Some of the buildings are over 200 feet from the property line. The
16 closest structure, the maintenance building, is 50 feet from the nearest property
17 line (7900 SW 176th Street). The buildings are consistent in architectural style to
18 the single-family residences surrounding the site.

19
20 In comparison to the extensively gabled roofs as proposed back in 2008, which
21 have a more prominent presence at the front elevation, the roofs from the 2010
22 plans tend to be lower in perspective due to the use of hipped roofs. The 2008
23 plans also provided for three (3) major structures over 56 feet in height. In other
24 words, the proposed roofs are less prominent and tend to blend in more with the
25 surroundings. These structures are designed using best practices for hurricane
26 resistance and sustainability with breezeways, arcades, and traditional
27 proportions.

28
29 In the center of the property is a long building, with an atrium dividing the
30 structure midway, attached to two (2) shorter, side buildings. On the plans, these
31 structures are identified as Buildings 14 and 15 to be utilized as new classrooms.
32 The longest portion of building 14 faces north and does not provide a long view
33 of the building along the eastern and western sides of the property. The north
34 face is visually "broken up" by having other buildings located in front of it, thus
35 limiting the visual impact of these structures to the community. The buildings are
36 actually united by breezeways and are divided mid-way by the breezeways. The
37 building mass has been divided or separated, ensuring that the structures are not
38 monolithic in nature or of uniform height (three separate heights provided). The
39 buildings do not exceed 35 feet in height, consistent with E-M zoning
40 requirements.

41
42 The two (2) longer structures (Building 16, the gymnasium and Building 18, the
43 performing arts building) are also 35 feet in height. These buildings should be
44 modified in order to preclude any possibility of the structures being considered a
45 "big box." The wider portion of these structures are approximately (260 ft x 149
46 ft.). The southern portion of each building provides a "tail-like"

1 continuation/extension of approximately 110 feet. These "tail-like" extensions
2 should be set back six feet (6 ft.) from the principal portion of the structures. As
3 to Building 16, the six foot (6 ft.) setback should be located six feet (6 ft.) towards
4 the east boundary. As to Building 18, the six foot (6 ft.) setback should be
5 setback/offset six feet (6 ft.) towards the west boundary. In addition, along these
6 110 foot setback/offset portion of the two (2) structures, there should be a
7 colonnade/arcade, with roof like structures at the first floor level, to break-up the
8 monolithic volume of the structure. Moreover, Live Oak trees, or other
9 equivalent type trees, with an overall size of 16 feet in height, should be planted
10 along the remaining portion of the buildings where the colonnade/arcade is not
11 situated, at every 20 feet on-center.

12
13 It is important to note that the Village has already approved a 35 foot gymnasium
14 for Westminster Christian Private School, which educates 1160 students on 24
15 acres. Because of the intended function of these buildings it would not be
16 practical or possible to reduce the size, or length of Buildings 16 and 18. These
17 structures are intended to hold an adequate portion of the student body during
18 performances and/or gymnastic activities. In fact, the structures are intended for
19 multi-purpose use, including locker rooms, coaches' offices, training facilities,
20 storage, restrooms and actual gymnasium area. All of these uses are tied to
21 each other. The two (2) larger buildings allow for the centralization of the
22 student/educational activities, thus focusing the students in one centralized area
23 versus sending the students all over the 55 acres, and precluding interference
24 with the preserved buffer areas and adjacent residential uses (quiet enjoyment).

25
26 Staff also analyzed the lengths of other private and public schools located in the
27 Village:

28
29 (1) Westminster Private School provides a gymnasium that is 172 feet
30 by 168 feet; a multipurpose room that is 150 feet by 146 feet. Both are 35 feet
31 tall. There are additional structures that measure 95 feet by 187 feet (elementary
32 school) and the administrative/classroom building which is measured at 203 feet.
33 This property consists of 24.2 acres.

34
35 (2) Coral Reef Elementary provides a building that is 350 feet by 200
36 feet, one-story; and a two-story building of 187 feet by 73 feet, two story. This
37 property consists of nine (9.1) acres.

38
39 (3) Southwood Middle School provides a building that is 299 feet by
40 298 feet, at two stories in height. It also provides an additional two-story building
41 at 75 feet by 225 feet on 18 acres.

42
43 (4) Perrine Elementary School provides a building that is 251 feet by
44 193 feet, at two-stories; and an additional one-story building at 100 feet by 150
45 feet on nine (9) acres.

1 All measurements are approximate. See attached composite Exhibit no.: 13.
2 The buildings proposed by applicant are overall consistent in scale with other
3 school buildings.

4
5 The Applicant provides small class room settings, with approximately 15 students
6 per classroom, thus requiring 94 class rooms and a total square footage of
7 classroom area of 91,941 square feet. The smaller the classroom, the more
8 limited the noise interference by school operations. The smaller classroom and
9 centralization of the educational facilities reduces the impact of noise to the
10 community.

11
12 Going back to the definitions provided above, it is Staff's position that the
13 proportional dimensions of the school, its scale – as planned, with a cluster of
14 educational structures (classrooms) surrounded by fields and sport training areas
15 is compatible with the neighborhood. The conditions delineated below ensure
16 that the application, if implemented, is capable of performing in a harmonious,
17 agreeable and congenial manner with the surrounding community. The school
18 may be efficiently integrated, operated, and maintained, particularly due to the
19 extensive buffer provided in the plans. Based upon the foregoing, staff finds that
20 the application for the physical expansion of the private school use and location
21 of buildings would be compatible with the surrounding community, provided the
22 buffers are installed and maintained, and the conditions found at section J are
23 adhered to.

24
25 (d) *Compatibility. The design of the private school is compatible*
26 *with the design, kind and intensity of uses and scale of the*
27 *surrounding area.*

28
29 *Staff analysis:* Please refer back to the definitions and analysis of design
30 compatibility in subsection (c), above. As to intensity of use, the private school
31 facility, with 55 acres and its proposed 1,150 student population is of sufficient
32 size, design, and population to be compatible with other school uses within and
33 surrounding the Village. It is actually a less intense use, per square foot/per
34 student, as compared to the other public and/ or private (Westminster Christian)
35 schools located in the Village. See the chart of student populations and
36 associated acreage/square footage, found supra, at page 8 of this memorandum.
37 While a private school is an allowable use within E-M, E-M is generally
38 characterized by estate, detached, single-family homes on approximately a third
39 of an acre.

40

1 (e) *Buffers. Buffering elements shall be utilized for visual*
2 *screening and substantial reduction of noise levels at all property*
3 *lines where necessary.*

4
5 **Staff analysis:** As indicated earlier, at subsection (c), the principal structures are
6 clustered in the center of the 55 acre parcel and the perimeter of the entire site is
7 surrounded by either the 55 or 75 foot buffered areas. Please see the cross-
8 section at Sheet 39 of the plans for details as to the 75 foot buffer. The Applicant
9 has agreed to landscape the entire 75 foot buffer area with native and existing
10 plants and/or trees. In addition, the Applicant is proposing a six foot (6 ft) wall
11 along the perimeter of 8001 SW 184th Street. The eastern and western
12 perimeters of the 7900 SW 176th Street site have already been fenced and
13 landscaped. The buffers are intended to reduce noise and impacts to the
14 adjacent detached single-family homes. The wall and the underbrush should
15 preclude much of the sound emanating the property from traveling offsite. The
16 master plan reflects a six foot (6 ft.) high, solid masonry wall and enhanced
17 buffering along the eastern and western property lines of 7900 SW 176th Street
18 and 8001 SW 184th Street. The southern boundary at SW 184th Street and
19 northern boundaries at SW 176th Street shall provide a six foot (6 ft.) wrought iron
20 fence with masonry columns. The eastern and western perimeters of 7900 SW
21 176th Street already contain a six foot (6 ft.) concrete wall that shall be required to
22 be maintained, on both sides. The wall also provides a safety barrier between the
23 neighborhood and the school. A six foot (6 ft.) wall is permitted, as of right, under
24 the E-M zoning district. Anything higher than six feet (6 ft.) would require a
25 variance. No lighting or recreational fields shall be permitted within the buffer.

26
27 The landscaping will consist of Green Buttonwood, Royal Poinciana, Sable
28 Palms, Live Oak, Pink Tabebuia Mahogany, and Ironwood trees, along with
29 existing Mango trees. Shrubbery and grasses include: Jasmine, Bimp, and
30 Plumbago. The Hammock Plantings include: Bahama Coffee, Cocoplum,
31 Firebush, Fakahatchee Grass, Gamma Grass, Saw Palmetto, Star Jasmine, and
32 Philodendron Sell, amongst others. The Sable Palm is one of the recommended
33 species that would grow quite dense in combination with the existing, mature
34 mango trees. The Royal Poinciana also grows quickly. The Jasmine, Grasses,
35 and Philodendron are rapid growing plants. One of the advantages of having a
36 diverse plant grouping (plant community) is that it provides a visual barrier. It
37 insulates the school and provides an attractive view for the school students. The
38 diverse plant life ensures that the landscaping can thrive (taller trees need light,
39 shade plantings underneath – for example, ferns – thus ensuring that there will
40 not be any open space deterioration due to the environmental conditions (need
41 shade/require direct sunlight) required for each type of plant in the densely
42 landscaped area. This grouping will serve as a native habitat for wildlife
43 including, butterflies, and migratory birds, thereby enhancing the natural
44 environment of the surrounding areas. Other than an unpaved maintenance
45 path of eight (8) feet, the first 50 feet of the buffer adjacent to the property line
46 shall not be utilized for anything but landscaped buffer. See maintenance path

1 recommendation below – as the sole intrusion in the 50 foot buffer. The
2 maintenance path is recommended in order to ensure that the property can be
3 accessed with the appropriate vehicles should trees be destroyed or fall during
4 normal maintenance and/or due to hurricane or other weather related event.
5 The interior 25 feet of the 75 foot buffer may contain a six foot (6 ft.) paved
6 pedestrian walking path along both the eastern and western portion of 8001 SW
7 184th Street.

8
9 Please note, that no existing public or private school in the Village provides a
10 lush or dense landscape between the school and the surrounding residential
11 neighborhood. The public schools simply provide a chain link fence with no
12 hedge or landscaping. Westminster is partially enclosed by a wall and the
13 remainder is enclosed by a fence. The western portion of the Westminster site
14 provides approximately 20 feet of “buffer.” The Village Council wanted a portion
15 of the fields to be visible to the community. There is little landscaping or
16 buffering along the remaining perimeter of Westminster. The houses of worship
17 in the community have sparse perimeter landscaping. Nor are a majority of the
18 houses of worship walled in or fenced. Although not required under the code,
19 and although there is no precedent in the Village to require a 75 foot dense
20 buffer, the Applicant has voluntarily agreed to buffer the property extensively.

21
22 Staff recommends no interference within the confines of the buffer be permitted
23 except for: the six (6 ft.) wide walking path within the innermost 25 feet of the
24 eastern and western buffers of 8001 SW 184th Street; and the unpaved eight (8)
25 foot hurricane recovery and maintenance path (in all buffers). No construction of
26 overflow parking, tennis courts, and other structures or uses is recommended.
27 The frontage along SW 184th Street is buffered with a 75 foot area accompanied
28 by a low wall, in conjunction with a railing on top of the wall in accordance with
29 code.

30
31
32 (f) *Landscape. Landscape shall be preserved in its natural*
33 *state insofar as is practicable by minimizing the removal of trees or*
34 *the alteration of favorable characteristics of the site. Landscaping*
35 *and trees shall be provided in accordance with Chapter 18A of the*
36 *Code.*

37
38 *Staff analysis:* DERM has provided comments as to the landscaping plan, which
39 comments staff adopts and incorporates by reference. Applicant shall
40 additionally comply with the requirements of Chapter 18A of the Code and the
41 South Florida Water Management District (SFWMD) water restrictions relating to
42 water usage for residential properties. Other permitted water usage shall be in
43 accordance with the SFWMD regulations for new landscaping, existing
44 landscaping, and for recreational fields. The landscaping buffer as described
45 above, along the eastern and western sides of the property appears to enhance
46 the site and shall minimize disturbance to the neighbors. Where possible the

1 existing mango trees shall be replanted in the buffer areas. Any native tree loss
2 shall also be replanted in the buffer, as required under Code. Any tree loss from
3 replanting grove shall be restored on the property within the 50 ft. and 75 ft.
4 buffer zones. The replacement trees are recommended to be native,
5 noninvasive, and drought resistant species. The landscaping plan shall
6 incorporate xeriscape principles required under the Village's Land Development
7 Code, Division 30-100. Applicant shall comply with the details of the landscape
8 site plan found at Page 11, 12, and 39. The Code requires Applicant to provide
9 12 trees per net acre, for a total of 1019 trees. The Applicant provides 1128
10 trees. The Code requires Applicant to provide 10 shrubs for each tree required,
11 for a total of 10,190. Applicant has provided 11,456 shrubs. The plan provides
12 756,618 square feet of grassy area, including fields, and 862,713 square feet of
13 lawn area.

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(g) *Circulation. Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the facility and be compatible and functional with circulation systems outside the facility.*

21 *Staff analysis:* The circulation plan, including pedestrian and vehicle circulation,
22 is intended to serve the school facility needs. The Village's Public Works Traffic
23 Impact Analysis – Issued by The Corradino Group. The David Plummer &
24 Associates updated traffic report and Corradino's Review shall be marked
25 Composite Exhibit 5, and incorporated by reference, herein. Compliance with
26 the recommendations of The Corradino Group enables compliance with the Level
27 of Service required by the Comprehensive Plan. The existing school has access
28 to the external roadway network through one driveway on SW 176th Street. The
29 proposed master plan reflects a two (2) lane driveway principal entrance off SW
30 184th Street (principal entrance), with a proposed capability of stacking 108
31 vehicles in-bound. The SW 176th Street entrance is intended to be modified to
32 provide stacking for 22 in-bound vehicles. Moreover, the entrance off of SW
33 176th Street would be connected to the SW 184th Street entrance, by the
34 proposed interior circulation roads. This, along with the turning lanes on SW
35 184th Street, and police presence during peak hours should alleviate the vehicle
36 use of SW 176th Street, and should eliminate all the Applicant related cut-through
37 traffic on SW 82nd Avenue and other neighborhood roads as to accessing the SW
38 176th Street entrance by all existing students. In addition, the decal system shall
39 require students and teachers to drive into and park at the school from the SW
40 184th Street entrance should eliminate all other Applicant related cut-through
41 traffic along SW 82nd Avenue and/or SW 176th Street. Ultimately, the number of
42 cars on SW 176th Street, at build-out, will remain the same number as today.
43 However, with the increase stacking, second exit from the site, and police officer
44 direction, the impacts on the street should be minimized.

45

1 The Applicant has complied with the Village's Code as it relates to bicycle
2 parking spaces, and has provided 72 bicycle parking spaces.

3
4 The Corradino Group has advised that 17-19 percent of the students utilize bus
5 service. The public school system solely uses approximately six (6) percent bus
6 service.

7
8 Lighting fixtures used for interior circulation roads, stacking, and parking areas
9 shall project the light rays directly to the parking surface, and shall include
10 shields which restrict projection of light rays outward to adjacent properties and
11 also restrict the upward projection of light rays into the night sky. Outdoor lighting
12 shall not cast more than 1/2 ft. candle at the property line.

13

14

15 (h) *Noise. Where noise from such sources as automobile traffic*
16 *is a problem, effective measures shall be provided to reduce such*
17 *noise to acceptable levels.*

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Staff analysis: Due to the extent of the proposed expansion and the type of school (K through 12 or in the alternative expanded 6-12), it is recommended that where noise from such sources as automobile traffic and athletic fields is a problem, effective measures shall be provided to reduce the noise to acceptable levels. In order to minimize noise pollution from affecting the adjacent properties, it is recommended that the Applicant install and maintain a six foot (6 ft.) high concrete wall along the western and eastern property lines, as indicated on the revised master plan. The wall and expanded buffers shall further assist in keeping vehicle headlights from spilling onto adjacent properties. The E-M district provides for a sound dBA of 65 during the day and 60 during the evening hours as measured from the school's boundaries. See Village's Code Section 30-60.29, as may be amended.⁶ "dBA" is the American National Standards Institute (ANSI) sound level measurement used by the Village to determine appropriate sound levels. Please note, that the Village's Code, at 30-60.29(d) provides that the limits set "may not be exceeded by any single incident representing the normal usual operation of the sound source, during any three (3) sampling intervals, the duration of which shall be no less than one-half (1/2) minute, within any one (1/2) hour period." This means that there may be times within an hour that the noise may exceed the permitted level, but cannot do so for more than 30 seconds, and not more than three (3) times in the hour.

Regarding noise from athletic fields and school activities, the school shall orient fields, and athletic bleachers away from residential buffers. The proposed landscaping buffering recommendations delineated below for the pool should

⁶ Section 30-60, of the Village's Code, relating to Noise, provides an objective noise standard for the E-M district. The 2008 Planning and Zoning staff report provided a 40 dBA standard to the site, which is contrary to the enacted code. Enforcement must be based upon the enacted code.

1 reduce any noise impacts from the pool's use. The pool is not recommended to
2 be moved from its current location.

3
4 No permanent public address speaker system may be installed. Temporary
5 speakers, for events, are to be situated away from residential buffers. Applicant
6 shall install and maintain signs reading "No radios beyond this point" at all entries
7 to the property. The Village's Noise Ordinance, Section 30-60.29(g)(2), exempts
8 noise relating to sports events.

9
10 As to the existing structures, the use of bells, pulses, buzzers, or other sounds to
11 signal class times shall be regulated to school operating hours only on days
12 when school is in session (vested use). Pursuant to section 30-60.29 (3)(2), for
13 the Applicant to use a loud speaker system, it is required to seek a special permit
14 from the Village. Staff recommends that no permit be issued for the new
15 structures. Staff recommends that the new structures use digital signage system
16 or other non-noise oriented device to signal change of class times or
17 announcement. No amplified sound alert system should be used. Portable loud
18 speakers are only allowed at approved special events.

19
20
21 *(i) Service areas. Wherever service areas are provided for*
22 *under the master plan, they shall be screened and so located as*
23 *not to interfere with the livability of the adjacent residential*
24 *properties.*

25
26 *Staff analysis:* Service, delivery and storage areas and equipment should be
27 adequately screened and located away from view of adjacent properties. No
28 service or delivery vehicles, including solid waste pick-up, shall occur prior to
29 7:00 a.m. and no later than 7:00 p.m., limited to Monday through Friday.

30
31 Consistent with the analysis above, lighting fixtures used for maintenance,
32 service, delivery and/or storage areas shall be of a type that project the light rays
33 directly to the land surface, and include shields that restrict projection of light rays
34 outward to adjacent properties and also restrict the upward projection of light
35 rays into the night sky. Outdoor lighting shall not cast more than 1/2 ft. candle at
36 the property line. The lighting fixtures should be no taller than 15 feet in height.

37
38
39 *(j) Parking areas. Parking areas shall be screened and so*
40 *located as not to interfere with the livability of the adjacent*
41 *residential properties.*

42
43 *Staff analysis:* The zoning code requires 837 parking spaces if there are 1150
44 students in the following grades: K-12. The Code requires 832 parking spaces if
45 there are 1150 students in the following grades: 6-12. In either scenario,
46 Applicant has requested 852 parking spaces. Due to the nature of the use, it

1 would be rare that 852 spaces would be required at any one time. The Applicant
2 is seeking to place the greater parking for the faculty and student population on
3 asphalt. Staff recommends pavers, which will assist in drainage and percolation
4 at the site on pervious surfaces. Applicant's request to park on natural terrain,
5 which requires a variance, has been withdrawn.

6
7 Applicant does not propose any parking within the buffered areas. Staff
8 recommends no parking be allowed within the 50 foot buffers of 7900 SW 176th
9 Street, nor within the 75 foot buffers of 8100 SW 184th Street. Staff recommends
10 a covenant running with the land be recorded confirming that no parking shall be
11 permitted in the buffer areas. Additionally, Applicant shall preclude parking in the
12 swale areas fronting either entrance to the school. Applicant shall install "No
13 parking" signs along these right-of-way areas after obtaining Village and County
14 authorization. Overflow parking is located at 8001 SW 184th Street, along the
15 two (2) lane driveway/road, adjacent to the east 75 foot buffer. Staff in 2008,
16 originally requested that the overflow be placed on the northern fields of 7900
17 SW 176th Street, solely for event purposes. However, as the variance for natural
18 terrain has been withdrawn, this recommendation is withdrawn. The majority of
19 the student and teacher parking is located in the northwestern portion of 8001
20 SW 184th Street, adjacent to the proposed gymnasium. Some additional parking
21 is located adjacent to the southwestern exit of SW 184th Street. Additional
22 parking surrounds the circular two-lane road and adjacent to the performance
23 field and track.

24
25 In conjunction with the parking plan, Applicant shall comply with the David
26 Plummer's parking recommendations as it relates to decals. See Internal
27 Circulation recommendations at subsection (g), above.

28
29 The Applicant does not propose a parking garage.

30
31 *(k) Operating time. The operational hours of a nonpublic*
32 *educational facility shall be such that the impact upon the*
33 *immediate residential neighborhood is minimized.*

34
35 *Staff analysis:* Interior use of school facilities is restricted to the hours of
36 operation between 7:00 a.m. and 10:00 p.m., provided that the use is by the
37 Applicant for school related or operational activities. The property shall not be
38 used for commercial leasing purposes. See other subsections relating to
39 deliveries, solid waste, field use, etc. Limiting the hours of operation should
40 minimize noise, lighting and other impacts to the adjacent residential
41 neighborhood. Precluding outdoor athletic lighting shall minimize field use and
42 sporting activities. This should prevent the property from exceeding E-M
43 residential noise levels (60 p.m./65 a.m. dBA), and ensure that the sports
44 activities exempt from the noise ordinance do not interfere with residential quiet
45 enjoyment.

46

1 (l) *Industrial areas –*

2
3 *Staff Analysis.* This section is inapplicable to this application.

4
5 (m) *Fences and Walls. Recreation and/or play areas shall be*
6 *enclosed with fences and/or walls.*

7
8 *Staff analysis:* The master plan reflects a six foot (6 ft.) high, solid masonry wall
9 and enhanced buffering along the eastern and western property lines of 7900
10 SW 176th Street and 8001 SW 184th Street. The northern property line of 7900
11 SW 176th Street, and the southern property line of 8001 SW 184th Street shall
12 consist of a six foot (6 ft.) wall that will be partially wrought iron. All recreation,
13 athletic fields, and/or play areas are enclosed within the property's boundary wall.
14 The tennis center is to be fenced. The pool shall be enclosed with a fence and/or
15 wall and comply with the safety barrier requirements of section 33-151.11
16 through .22 of the Code. Staff additionally recommends a six foot (6 ft.) ficus or
17 other hedge along the southwestern perimeter of the fenced pool area to assist
18 with noise buffering.

19
20 In 2008, the athletic fields were oriented towards the property's interior. Based
21 upon input from the community, the fields now face towards the property lines.
22 The community believes that the new orientation would keep spectators away
23 from the buffer. No additional fencing is required or recommended for the fields.
24 Any interior chain link fencing shall be poly-coated vinyl and black or green in
25 color. Both sides of any walls shall be finished and maintained by the Applicant.
26 Cross-reference with the buffer and landscaping subsections above.

27
28 **2. Site Plan modification**

29
30 Analysis of each applicable subsection of section 33-311:

31
32 1. *The development application conforms to the*
33 *Comprehensive Plan for the Village of Palmetto Bay, Florida; is*
34 *consistent with applicable area or neighborhood studies or plans;*
35 *and would serve a public benefit warranting the granting of the*
36 *application.*

37
38 *Staff analysis:* Other than the Comprehensive Plan there are no other
39 neighborhood studies or plans for this specific area. Along Old Cutler Road there
40 is an area that was the subject of a charrette and was later rezoned consistent
41 with that charrette to the "VMU", Village Mixed Use, zoning district.

42
43 E-M zoning is a qualified zoning district that complies with the density
44 requirements of the Estate Density Residential (EDR) Future Land Use
45 Designation. Goal 1 of the Future Land Use Element encourages the Village to
46 develop a "truly livable community by building on, and improving, the existing

1 land use blueprint through visionary planning and place-making, cost efficient
2 provision of high-quality facilities and services, and neighborhood protection.”
3 The Comprehensive Plan provides for houses of worship, public schools, other
4 institutional uses, and detached single-family residents within the EDR
5 designation. See policy 1.1.1 and 1.1.5. If the institutional use is located in or
6 near neighborhoods, adverse impacts to the tranquility of the residents around
7 the allowed use and in the surrounding neighborhood should be minimized to the
8 maximum extent possible. See policy 1.1.5. Based upon the foregoing, in
9 residential land use areas, houses of worship and other permitted non-residential
10 uses, including private and public schools, are allowed on a conditional basis
11 (zoning requires a special exception application). The proposed master plan, as
12 revised by the recommendation found below, should mitigate those elements that
13 may adversely impact the tranquility of the neighborhood. See also Footnote 3,
14 above, relating to Policy 1.1.1 and interplay of that policy with policy 1.1.5. Staff
15 has also analyzed the Comprehensive Plan of the City of Doral, which plan uses
16 the same language (“solely”) and which plan was created by the same consulting
17 firm as utilized by the Village, Kimley-Horn & Associates, Inc. The term solely
18 has been determined by professional planners in the Village and City of Doral to
19 mean that the area is characterized by detached single-family homes; not
20 duplexes or multi-family uses. The Comprehensive Plan provides for other uses
21 in the EDR designation, as indicated above.

22
23 The Comprehensive Plan at policy 2A.1.7, requires the Applicant receiving a
24 development order to comply with applicable concurrency standards contained in
25 the Land Development Code, which implements the Comprehensive Plan levels
26 of service.

27
28 The Plan recommends that public schools comply with policy 2A.5.4, which
29 ensures safe routes to school consistent with the requirements of Chapter
30 1006.23, Florida Statutes. Private schools should also comply with this condition
31 since the intent of the policy is to provide a safe route to school for all children.

32
33 Policy 2C.1.4 requires compliance with the Village’s streetscape plans for SW
34 184th Street, as that road is an entryway to the Village. Applicant should comply
35 with the Village’s Street Tree Master Plan in order to maintain landscape
36 consistency throughout the gateways of the Village.

37
38 Policy 4A.3.3 proposes water-saving “xeriscape” plants, watering techniques and
39 landscape designs in existing and future developed areas of the Village. The
40 intent of this policy is to ensure that all entities in the Village adhere to water
41 conservation measures and best practices.

42
43 Policies 4B.1.1, 4D.1.3, and 11.1.4 require that all development orders ensure
44 compliance, both during construction and operation, with the Village’s adopted
45 sanitary sewer, solid waste and potable water concurrency requirements
46 implementing the Village’s LOS standards.

1
2 Policy 4C.3.1, contained in the Village's Stormwater Master Plan seeks to protect
3 surface water through the Land Development Code requirements that mandate
4 acceptable paving and drainage plans, adequate open (pervious) space areas,
5 and stormwater detention and retention in private development projects. This is
6 one of the rationales supporting the use of pavers instead of asphalt for parking
7 purposes.

8
9 Policy 6.7.5 requires, whenever possible, to preserve native trees during
10 development or redevelopment. Should native trees be removed, at least two (2)
11 native trees shall be planted to replace the removed tree. The intent of this policy
12 is to preserve the Village's existing native habitat. This ensures the Village's
13 commitment to protecting the natural resources and consistent with state and
14 federal policies relating to protecting of native habitats and resources.

15

16

17 *(2) The development permitted by the application, if granted, will*
18 *have a favorable or unfavorable impact on the environmental and*
19 *natural resources of [the Village of Palmetto Bay], including*
20 *consideration of the means and estimated cost necessary to*
21 *minimize the adverse impacts; the extent to which alternatives to*
22 *alleviate adverse impacts may have a substantial impact on the*
23 *natural and human environment; and whether any irreversible or*
24 *irretrievable commitment of natural resources will occur as a result*
25 *of the proposed development;*

26

27 *Staff analysis:* See Subsection (1) above relating to the environmental/natural
28 resources requirements contained in the Comprehensive Plan. The site plan
29 provides 10 percent lot coverage, versus the 30 percent that is allowed under the
30 E-M zoning district. The staff recommends pavers versus asphalt, thus allowing
31 additional percolation and drainage. The plan requires over 1000 trees and
32 10,000 plantings. Based upon the foregoing, the environmental and natural
33 resource impacts on the Applicant's site are minimized.

34

35 The E-M zoned use would not have an unfavorable impact on the environmental
36 and natural resources of the Village. The site plan modification, consistent with
37 the special exception request, would allow the Applicant to clear the mango
38 grove and other vegetation found on site. The Applicant intends to pave
39 approximately 12.8 acres of the 32.22 acres to accommodate the construction of
40 several new structures (a gymnasium, library, media center, performance arts
41 center, chapel, pool building, and field house/storage), sports facilities (tennis
42 courts, basketball courts, track, and swimming pool), road network and
43 associated parking. The remaining acreage would be set aside as pervious area.
44 The pervious areas will be part of the development's open space/recreational
45 and buffer areas. The buffer areas are located in the west, east and southern
46 portions of the property. These areas will be landscaped with native vegetation

1 and maintained by the Applicant to ensure that no exotics penetrate the buffer or
2 that the trees do not impact adjacent neighbors. The buffers as well as other
3 landscaping efforts proposed by the Applicant, will provide a natural habitat for
4 native plants, birds, and wildlife that are attracted to the area. The cost of
5 creating and maintaining the buffers and landscape will be the sole responsibility
6 of the Applicant. The Applicant's proposed landscaping will minimize and/or
7 mitigate the impacts on the natural and human environment. The project should
8 not create an irreversible or irretrievable commitment of natural resources. The
9 introduction of native vegetations will provide a positive impact on the project
10 area natural resources.

11
12 *(3) The development permitted by the application, if granted, will*
13 *have a favorable or unfavorable impact on the economy of*
14 *[Palmetto Bay];*

15
16 *Staff analysis:* The development permitted by the application, if granted, will have
17 a minimal impact in the annual property taxes collected by the Village since the
18 property is subject to an agricultural tax exemption. See the economic impact,
19 above. The unfavorable impact on the economy of the Village would result from
20 removal of land from the tax rolls with a private school use.

21
22
23 *(4) The development permitted by the application, if granted, will*
24 *efficiently use or unduly burden water, sewer, solid waste disposal,*
25 *recreation, education or other necessary public facilities which have*
26 *been constructed or planned and budgeted for construction;*

27
28 *Staff analysis:* The development, as proposed, meets the Comprehensive Plan's
29 level of service relating to roadways and other public facilities, which requires
30 consistency with the County's concurrency levels. See reports enclosed from
31 various review agencies.

32
33
34 *(5) The development permitted by the application, if granted, will*
35 *efficiently use or unduly burden or affect public transportation*
36 *facilities, including mass transit, roads, streets and highways which*
37 *have been constructed or planned and budgeted for construction,*
38 *and if the development is or will be accessible by public or private*
39 *roads, streets or highways.*

40
41 *Staff analysis:* The development, as proposed, will not have impact on the
42 existing public transportation facilities which have been constructed or planned
43 and budgeted for construction.

44
45 In addition to the foregoing, review of subsection (A)(7) *requires the Applicant to*
46 *demonstrate that the site plan modification does not:*

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1. *generate excessive noise or traffic;*

Staff analysis: Pursuant to section 4.1 of the David Plummer traffic analysis, as reviewed by the Corradino Group, Old Cutler Road is a "D" LOS Service at both SW 176th Street and SW 184th Street. SW 176th Street and 82 and/or 83rd Avenue is at an "E" Level of Service. SW 184 Street at either 82nd or 83rd Avenue is a "D" level west bound, and "E" level north bound. David Plummer & Associates is the traffic consultant for Applicant. The Corradino Group is the Village's traffic consultant. The Plummer and Corradino reports are incorporated by reference herein. The Corradino Group proposes certain mitigation factors and recommendations which are incorporated below, as recommendations. According to their reports, the traffic generated if the application is approved meets the Village's proposed levels of service, after mitigation. The mitigation factors should resolve the issues relating to level of service impacts to the community. Additionally, please review the analysis under the special exception review above, at subsection (g), relating to circulation and the comments relating to use of SW 184th Street entrance/exit and effects on cut-through traffic. Additionally, as SW 176th Street is of concern to the community and traffic consultants, and as there has been cut-through traffic onto SW 80th and SW 82nd Avenue, staff recommends the installation of a "No Left Turn" sign at the exit to the SW 176th Street entrance and to preclude left hand turns from the exit, at a minimum, during peak hours. This should eliminate 54 vehicles from re-entering the neighborhood during the peak a.m. hours.

2. *tend to create a fire or other equal or greater dangerous hazard;*

Staff analysis: Not applicable to this application. See reports enclosed from various review agencies.

3. *provoke excessive overcrowding of people;*

Staff analysis: The school use will eliminate the agricultural use; generate an increase in the number of students on the 55 acres; and may provide additional persons on the site, above the student expansion numbers due to a special event. According to the Merriam-Webster's Dictionary, "over" "crowd" means "so as to exceed or surpass in numbers; excessive throng, excessively." As the Applicant's student population does not exceed the County Code requirements, and as the recommendations below limit the number of special events, per year, and/or time period, there should be no excessive overcrowding of people at any time. With 55 acres and a projected student population of 1150 students over a 15-25 year period, there is more than sufficient space to preclude overcrowding of the school site. The clustering of the buildings, shall keep the population

1 (student and/or visitor) within the center of the property. If the population is
2 present for a specific sporting event, the population will be concentrated in those
3 areas of the property adjacent to the event. The recommendations delineated
4 below preclude more than one event at a time and limits the hours of operations.
5 The preclusion of lighting further limits outdoor sporting events. Finally, the
6 Village shall review and approve special event plans consistent with the Village's
7 Code.

8
9 4. *tend to provoke a nuisance; and,*

10
11 *Staff analysis:* This provision is inapplicable to the underlying application, as the
12 County Code (implemented at the time of the application's submittal) provides
13 three (3) definitions of a "nuisance." The Applicant's uses do not implicate the
14 definitions. Below are the three definitions, as provided under the County Code:

15
16 The first reference to nuisance is found at Section 24-5, under "Definitions" and
17 provides as follows:

18
19 Nuisance shall mean and include the use of any property,
20 facilities, equipment, processes, products or compounds, or
21 the commission of any acts or any work that causes or
22 materially contributes to:

23 (1) The emission into the outdoor air of dust, fume, gas,
24 mist, odor, smoke or vapor, or any combination thereof, of a
25 character and in a quantity as to be detectable by a
26 considerable number of persons or the public so as to
27 interfere with their health, repose or safety, or cause severe
28 annoyance or discomfort, or which tends to lessen normal
29 food and water intake, or produces irritation of the upper
30 respiratory tract, or produces symptoms of nausea, or is
31 offensive or objectionable to normal persons because of
32 inherent chemical or physical properties, or causes injury or
33 damage to real property, personal property or human, animal
34 or plant life of any kind, or which interferes with normal
35 conduct of business, or is detrimental or harmful to the
36 health, comfort, living conditions, welfare and safety of the
37 inhabitants of this County.

38 (2) The discharge into any of the waters of this County of
39 any organic or inorganic matter or deleterious substance or
40 chemical compounds, or any effluent containing the
41 foregoing, in such quantities, proportions or accumulations
42 so as to interfere with the health, repose or safety of any
43 considerable number of persons or the public, or to cause
44 severe annoyance or discomfort, or which tends to lessen
45 normal food and water intake, or produces symptoms of

- 1 nausea, or is offensive or objectionable to normal persons
- 2 because of inherent chemical or physical properties, or
- 3 causes injury or damage to real property, personal property,
- 4 human, plant or animal life of any kind, or which interferes
- 5 with normal conduct of business, or is detrimental or harmful
- 6 to the health, comfort, living conditions, welfare and safety of
- 7 the inhabitants of this County.
- 8 (3) Any violation of provisions of this chapter which
- 9 becomes detrimental to health or threatens danger to the
- 10 safety of persons or property, or gives offense to, is injurious
- 11 to, or endangers the public health and welfare, or prevents
- 12 the reasonable and comfortable use and enjoyment of
- 13 property by any considerable number of the public.
- 14 (4) Adverse environmental impact to a coastal or
- 15 freshwater wetlands.
- 16 (5) Cumulative adverse environmental impact to a
- 17 coastal or freshwater wetlands.
- 18 (6) Adverse environmental impact to environmentally-
- 19 sensitive tree resources.
- 20 (7) Cumulative adverse environmental impact to
- 21 environmentally-sensitive tree resources.

22
23 The second County nuisance definition can be found at section 24-28, relating to
24 "Sanitary Nuisances" which section states:

- 25
26 The following conditions existing, permitted, maintained, kept
27 or caused by any individual, municipal organization or
28 corporation, governmental or private, shall constitute a
29 sanitary nuisance:
- 30 (a) Untreated or improperly treated or disposed of human
 - 31 waste, garbage, offal, dead animals or dangerous waste
 - 32 materials.
 - 33 (b) Improperly built or maintained septic tanks, water
 - 34 closets or privies.
 - 35 (c) Discharging, or allowing the discharge of septic tank
 - 36 pump-out wastes into streams, or surface waters or
 - 37 underground aquifers or into ditches, drainage structures or
 - 38 on the ground surface.

39
40 The third definition is found at section 33-4 (contained within the zoning code)
41 provides the following code provision entitled "Offensive color, design, smoke,
42 noise, etc.: nuisances, moves and locations to be approved; location on lands
43 subject to flooding," which states:

44
45 Nothing shall be allowed on the premises in any district
46 which would in any way be offensive or obnoxious by reason

1 of color, design, or the emission of odors, liquids, gases,
2 dust, smoke, vibration or noise. Nor shall anything be
3 placed, constructed or maintained that would in any way
4 constitute an eyesore or nuisance to adjacent property
5 owners, residents, or to the community. No structure shall be
6 erected, altered, structurally altered or moved except by
7 methods and on locations as approved by the Director.

8 Arguably, this section could be applied to Applicant's site plan requests. The
9 Village's noise ordinance provides objective criteria and standards, which have
10 been applied, above. Additionally, staff is unaware of an obnoxious colors,
11 designs, or odor emissions. Nor does the Village have a design review board
12 and/or regulations that would preclude a certain color palette or style of structure.
13 During construction there may be some vibration, noise, or dust, but that shall be
14 regulated by the construction conditions cited below and the Village Code. Based
15 upon the foregoing, section 33-4 of the County Code does not apply to this
16 application.

17
18 *5. be incompatible with the area concerned, when*
19 *considering the necessity and reasonableness of the*
20 *modification, in relation to the present and future*
21 *development of the area concerned.*

22
23 *Staff analysis:* Planning principals for neighborhoods, in traditional zoning
24 analyses, provide for schools within the residential districts. See "*Planning the*
25 *Built Environment*" Anderson, Larz T. (Planners Press, American Planning
26 Association 2000) at Chapter 15. See Exhibit 8. The County zoning code does
27 not provide a cap on the number of students allowed in a private school – other
28 than providing a square footage requirement, per student and other specific site
29 plan review criteria. As such, the square footage calculations are a minimum
30 requirement and no maximum is contemplated, provided the level of service is
31 met. The Applicant could potentially provide much more than 1150 students on
32 the subject site – solely by a square footage calculation. See also above, at
33 Page 7.

34
35 *6. Supplying potable water without providing disinfection*
36 *by a public water supply system.*

37
38 *Staff analysis:* Not applicable to this application.

39
40 *7. Air pollution which is harmful to human beings, animal*
41 *life, or plant life.*

42
43 *Staff analysis:* Not applicable to this application. See reports enclosed
44 from various review agencies.

45

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8. *Water pollution which is harmful to human beings, animal life, or plant life.*

Staff analysis: Not applicable to this application. See reports enclosed from various review agencies.

9. *Ground pollution which is harmful to human beings, animal life, or plant life.*

Staff analysis: Not applicable to this application. See reports enclosed from various review agencies

10. *Objectionable odors which are harmful to human beings or animal life.*

Staff analysis: Not applicable to this application. See reports enclosed from various review agencies. See also analysis relating to nuisances and odor.

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1 **J. RECOMMENDATIONS:**
2
3

4 The requests for a special exception and site plan modification for school use,
5 expansion, and number of students is recommended for approval, as modified by
6 the conditions delineated below. Staff therefore, pursuant to Section 33-
7 311(A)(7) determines as follows, related to the plans entitled Palmer Trinity
8 Private School Campus Master Plan as prepared by Duany Plater-Zyberk & Co.,
9 consisting of 36 sheets, dated stamped received November 1, 2007, as revised
10 by the plans entitled Palmer Trinity Private School Campus Master Plan as
11 prepared by Duany Plater-Zyberk & Co., consisting of 48 sheets, dated stamped
12 received April 19, 2010, with the following conditions:
13

14 1. All variance requests have been withdrawn and are hereby
15 specifically recognized as withdrawn. This includes all height, story and natural
16 terrain parking variances. The 2008 plan included a steeple up to 70 feet in
17 height. No variance was needed for the steeple, it would have been permitted, as
18 of right. The Applicant has voluntarily withdrawn its request for a steeple/church
19 tower and said request is considered withdrawn.
20

21 2. The special exception to expand the non-public school use onto
22 parcel B is recommended for approval.
23

24 3. The special exception to increase the non-public school number of
25 students to 1150 is recommended for approval.
26

27
28 4. Preliminary Conditions:
29

30 4.1 The Applicant shall execute a unity of title document to be recorded
31 in the public records of Miami-Dade County, which unity of title shall covenant (or
32 provide a covenant in lieu of unity of title) the property holder(s) to join the
33 parcels together as one parcel, in a form approved by the Village Attorney,
34 consistent with the requirements of the Village's Land Development Code⁷. The
35 covenant shall be in final form for recording within 45 days of final approval. No
36 permits shall issue until the covenant/unity of title is recorded.
37

38 4.2 The Applicant shall record an acceptable and approved restrictive
39 covenant running with the land for specific conditions, which covenant shall exist
40 for 30 years, and automatically renew for 10 year periods, thereafter.
41

⁷ Although a unity of title, or covenant in lieu of, shall be required, in order to facilitate understanding the conditions contained in this application, the addresses of 7900 SW 176th Street and 8001 SW 184th Street shall be utilized.

1 4.3 Any substantial modification [pursuant to 30-30.3(c) of the Village's
2 Code of Ordinances] or abandonment of the attached site plan shall require
3 public hearing. The term "substantial compliance" for the purposes of this
4 approval shall mean a modification or substitute site plan of equal, or lesser
5 intensity including floor area ratio, lot coverage, square footage, and height; and
6 provide equal or greater setbacks, buffering, landscaping and amenities. In no
7 way shall student enrollment be expanded due to a substantial compliance
8 review.
9

10 4.4 Cap of Intensity of Uses and Student Population. Applicant shall
11 limit future development and agrees that it shall not seek any further
12 development approvals to increase the intensity of uses, to increase lot
13 coverage, square footage, heights of structures, or exceed 1150 students for 30
14 years following the recording of this covenant. Specifically, no buildings shall
15 exceed two (2) stories or a roof elevation of 35 feet in height measured from
16 finished floor.
17

18 4.5 Student Enrollment Defined and Reporting. Applicant shall not
19 exceed 1,150 students in enrollment. Applicant agrees to submit an executed
20 affidavit from the Headmaster of the School each year to the Village Manager,
21 within 30 days of the first day of the applicable school year, identifying the
22 number of students enrolled for the academic school year and attesting the
23 number of students enrolled in the school. This information shall be provided to
24 the Village, annually, for as long as a school is located on the site. Applicant
25 agrees and acknowledges that the "maximum number of students" shall mean
26 the actual number of students enrolled at the school as reported to the State of
27 Florida and the Florida Council of Independent Schools and shall not be the daily
28 average attendance, nor exclude any students that may be traveling/studying
29 abroad. The Applicant shall provide a copy of the FCIS to the Village once it
30 becomes available. The maximum number of students shall include all student
31 transfers during the school year. Any increase in students enrolled at the school
32 after the initial annual enrollment is disclosed shall be reported to the Village
33 within five (5) business days of the event.
34

35 4.6 Should Applicant violate section 4.5 relating to the number of
36 students enrolled by exceeding 1150, and should Applicant fail to cure the
37 excess enrollment within 30 days of written notice, such an act shall constitute a
38 false statement or misrepresentation of fact that would permit the Village to
39 revoke the most recent building permit or certificate of occupancy issued by the
40 Village.
41

42 4.7 Student expansion shall comply with the timetable provided under
43 Exhibit 7.
44

45 4.8 Community Relations Committee. The Applicant shall create a
46 Community Relations Committee that will be charged with the responsibility of

1 facilitating future discussions with neighbors (properties within 2500 feet) in an
2 effort to avoid or resolve potential disputes between the Applicant, the neighbors,
3 and the Village. The Applicant agrees to cooperate and act in good faith with the
4 Community Relations Committee in an effort to avoid or resolve potential
5 disputes in the Community as it relates to the Applicant's property. The
6 Committee shall be a voluntary group, with three (3) representatives from the
7 Applicant, and three (3) representatives from the neighborhood, as selected by
8 the Village Council, and a representative from the Village Manager's Office. The
9 group shall meet as needed, but not less than twice a year. The Village shall be
10 provided with prior written notice of all such meetings, if possible at least two
11 weeks in advance of any such meeting(s). The actions of the group shall not be
12 binding. Rather, the group meetings are intended to be a mechanism for
13 communication, discussion and resolution of any pending items.

14
15 4.9 The Applicant agrees and affirms that there will be no objection
16 now or in the future to controlled burns conducted by Miami-Dade County at Bill
17 Sadowski Park for the park's management. The Applicant further agrees not to
18 interfere, due to lighting issues, with night program schedules for Bill Sadowski
19 Park. The Village will attempt to coordinate with Miami-Dade County to provide
20 the Applicant with prior notice of controlled burns.

21
22 4.10 The Applicant shall comply with all applicable State, County, and
23 Village Codes and Ordinances, including but not limited to the Village's Art in
24 Public Places Ordinance.

25
26 4.11 Unpermitted and unconstructed portions of prior development
27 approvals (1999 plans, 2000 and 2010 substantial compliance reviews) shall be
28 considered withdrawn and abandoned.

29
30 4.12 An official inspector of the Village, or its agents duly authorized,
31 have the privilege, at any time during normal working hours, of entering and
32 inspecting the use of the premises to determine whether or not the requirements
33 of the building and zoning regulations and the conditions contained herein are
34 being complied with.

35
36
37 4.13 Applicant shall comply with the Land Development Regulations for
38 maintain the sanitary sewer concurrency levels, during construction and
39 throughout operations.

40
41 4.14 In compliance with the requirements of Section 33-151.51, of the
42 County Code, the Applicant shall record a covenant running with the land that
43 ensures compliance with the minimum footage requirements, calculations and
44 conditions upon which the additional square footage has been permitted.

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1 5 Pre Construction – Construction – Build Out Conditions:

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5.1 All components of the approved site plan shall be completed according to the schedule attached hereto, which provides that the approved construction shall not be completed earlier than 15 years and no later than 25 years from the date of zoning approval. The Preliminary Construction Schedule for Phase 1 is enclosed as Exhibit 6. This recommendation is consistent with the newly adopted Land Development Code, Section 30-30.2(d)(16) and (k), relating to requiring a construction plan and timetable.

5.2 Staggering of Student population. The increase in student population to 1150 shall comply with Exhibit 7, which reflects the schedule of proposed annual increased in student population, which total increase to 1150 shall occur no earlier than 15 years after zoning approval.

5.3 Construction Staging:

5.3.1 The Applicant shall annually submit a construction staging plan for review and approval prior to commencement of construction. Phase 1 is enclosed as Exhibit 6.

5.3.2 Construction staging shall take place as preapproved by the Village's Planning & Zoning and Building Directors, on the property known as 8001 SW 184th Street, where possible, towards the center of the property, away from the proposed 75 foot buffers.

5.3.3 Construction trailers for staging area are permitted under the Village's Code.

5.3.4 The staging area may be cleared during Phase 1 of the construction plan.

5.3.5 Construction shall comply with the noise controls provided in the Village's Code of Ordinances, section 30-60.29.

5.3.6 The driveway area may also be cleared during Phase 1.

5.3.7 Access points by construction vehicles shall be identified as part of the Construction Plan for Village approval. No construction vehicle shall access through the neighborhood. Unless necessary for a specific item, no construction vehicles shall access through SW 176th Street. All other construction vehicles must use the SW 184th Street once that entrance is constructed under the Phase 1 Construction Plan.

1 5.4 Permitting and Property Clearance. The Applicant shall not remove
2 any trees outside the 75 ft. buffer, unless a building permit and/or tree removal
3 permit, if required, have been secured for the construction of the work being
4 requested. At no time shall the entire 8001 SW 184th Street site be clear all at
5 once.

6
7 5.5 Construction Air Quality Management Plan. The Applicant shall
8 provide a Construction Air Quality Management Plan on the construction
9 drawings that, at a minimum, includes protecting ducts during construction and
10 changing the filters and vacuuming ducts prior to occupancy. The submitted
11 plans must note compliance with this provision.

12
13 5.6 MOT Plan. A construction and Maintenance of Traffic (MOT) Plan
14 shall be provided to the Building and Public Works Departments for approval.

15
16 5.7 The Applicant shall comply with the Village's demolition and
17 construction fencing ordinance.

18
19 5.8 The entrance and roadway onto 8001 SW 184th Street may be
20 constructed prior to any other improvements. However, the required perimeter
21 walls (eastern and western property lines) and 75 ft. buffers, to be located at
22 8001 SW 184th Street, with required landscaping shall be installed and/or
23 constructed prior to the commencement of construction of any additional
24 structures or improvements. The wall shall be constructed, and then the buffer
25 shall be installed, no later than two (2) years of receiving the final zoning
26 approval. One extension of time, not to exceed six (6) months, may be granted
27 by the Planning & Zoning Director, upon a showing of good cause. "Good
28 cause" would include timely request for permits, submitting for inspections and
29 reviews, diligent efforts to adhere to the construction schedule, and force
30 majeure type events (weather delays or civil unrest).

31
32 5.9 The Applicant shall work with the Village and County to install "Do
33 not Block Intersection" signs along SW 184th Street from SW 82nd Avenue to Old
34 Cutler Road.

35
36 5.10 The existing portable classrooms trailers located along the western
37 edge of 7900 SW 176th Street shall be eliminated as soon as replacement
38 facilities are constructed, and within 18 months after final zoning approval. One
39 extension of time, not to exceed six (6) months, may be granted by the Planning
40 & Zoning Director, upon a showing of good cause. "Good cause" would include
41 timely request for permits, submitting for inspections and reviews, diligent efforts
42 to adhere to the construction schedule, and force majeure type events (weather
43 delays or civil unrest).

44
45 5.11 Failure to construct the replacement facilities for the portables
46 described at section 5.10 within the time period provided therein shall require that

1 the portables be removed immediately upon the expiration of the 18 month
2 period. One extension of time, not to exceed six (6) months, may be granted by
3 the Planning & Zoning Director, upon a showing of good cause. "Good cause"
4 would include timely request for permits, submitting for inspections and reviews,
5 diligent efforts to adhere to the construction schedule, and force majeure type
6 events (weather delays or civil unrest). Failure to remove the portables shall also
7 result in the denial of future permits due to site plan violations in addition to any
8 other remedy provided below under Section 15, "Enforcement."
9

10
11 6. Athletic Fields and Amenities:
12

13 6.1 The Applicant shall not use the athletic fields for commercial
14 purposes such as renting, leasing, or allowing third-parties unaffiliated with the
15 operation of the school (no third-party organizations or groups) to use the
16 recreational facilities. Applicant shall annually provide proof of existing division-
17 type play, tournaments, organized sports and uses of its facilities to the Village.
18 Prior to the beginning of each season, for each sport, the Applicant shall provide
19 the Village with a list of proposed events – tournaments and league play.
20

21 6.2 The Applicant shall submit a proposed list of school special events
22 planned for each school year to the Village Manager not later than August 15th of
23 the applicable school year for Village administrative review. Any other/additional
24 special event shall require advanced notice for review as a special event under
25 the Village's procedures. A police officer, or equivalent, shall be required to be
26 present at all special events held at the school, if required by the Village's Code,
27 after review as a special event permit.
28

29 6.3 Solely one (1) athletic tournament, jamboree, or division-type play
30 (where numbers of spectators and opposing team(s) are invited to play on site)
31 shall take place at one time on the property (7900 SW 176th Street through 8001
32 SW 184th Street). To be clear, this condition relates to holding one event. Not
33 several events, different sports, at same time. Any athletic tournaments, etc.,
34 may take place after normal school operating hours (after 3:00 p.m.) and
35 weekends from 10:00 a.m. and 3:00 p.m.
36

37 6.4 No bleachers shall be located adjacent to the eastern and western
38 buffers of 7900 SW 176th Street and 8100 SW 184th Street. Adjacent shall mean
39 not within 20 feet of the buffers.
40

41 6.5 The Applicant shall provide fencing for the tennis center.
42

43 6.6 The Applicant shall not install lighting for outdoor uses other than
44 the parking areas, and any emergency lighting requirements of the Code. The
45 interior of the pool may contain lights.
46

1 6.7 The pool shall be enclosed with a fence and hedge with a minimum
2 height of six feet (6 ft.) and comply with the safety barrier requirements of 33-
3 151.11 through .22 of the Code. Any interior chain link fencing shall be poly-
4 coated vinyl and black or green in color. The pool shall not be constructed during
5 Phase 1 and is not to be constructed for at least five (5) years after final zoning
6 approval.

7
8 6.8 The Applicant shall comply with condition 10.4 relating to lighting
9 and Bill Sadowski Park.

10
11
12 7. Landscaping:

13
14 7.1 The Applicant shall meet all the minimum requirements of Division
15 30-100 of the Village's Code of Ordinances, Chapter 24 of the Miami-Dade
16 County Code and specifically comply with all conditions imposed by Miami-Dade
17 County DERM.

18
19 7.2 The Applicant shall covenant that no improvements, other than as
20 provide in recommendation 7.3, shall be permitted within the confines of the
21 buffer area (i.e. no roads, parking, storage sheds, recreational, sports or any
22 other use that may negatively impact the buffer).

23
24 7.3 The buffer shall be landscaped in accordance with the Applicant's
25 revised landscape plan received by the Village on April 19, 2010. In addition, the
26 Applicant shall construct a three and a half foot (3.5 ft.) berm on the interior,
27 internal to the site, adjacent to the six foot (6 ft.) CBS wall to be constructed
28 along the eastern and western perimeter of 8001 SW 184th Street. The berm
29 shall be approved by the Planning & Zoning staff as part of the landscape plan
30 review. The landscape buffer as indicated on Sheet 39 shall be installed along
31 the entire eastern and western perimeter as depicted therein throughout the 75
32 foot buffer for the area known as 8001 SW 184th Street. The berm shall be
33 incorporated into the buffer design, found at Sheet 39 (maintenance path shall be
34 reduced in width as provided in these conditions). The layout found at Sheet 39
35 shall not be limited to solely the parking area adjacent to the buffer, but rather
36 throughout the buffer fringe – creating a solid hedge along the interior edge of the
37 buffer.

38
39 7.4 The eastern and western buffers along 8001 SW 184th Street may
40 contain a meandering pedestrian path, within the innermost/interior 25 feet of the
41 75 foot buffer. The Applicant shall limit the meandering walking path to a
42 maximum width of six feet (6 ft.). The pedestrian path shall solely be used for
43 pedestrian/walking/ running purposes.

44
45 7.5 Where practicable, the maintenance path and the meandering
46 walking path shall be the same path, along the eastern and western buffers for

1 8001 SW 184th Street. Final determination/approval of “where practicable” shall
2 be made by the Village’s Planning & Zoning Director. Otherwise, the
3 maintenance path shall be limited to a maximum width of eight feet (8 ft.) and
4 should be used solely for maintenance purposes. The Maintenance portion of
5 the “joint-path” shall not be paved [the increase to eight (8) feet – a two-foot non-
6 paved area surrounding the six foot (6 ft.) pedestrian path]. All other buffers
7 shall solely contain an unpaved, up to eight (8) foot maintenance path.
8

9 7.6 The eastern and western perimeters of 8001 SW 184th Street shall
10 contain a concrete wall six, feet (6 ft.) in height, finished on both sides and
11 maintained by the Applicant. The southern boundary at SW 184th Street and
12 northern boundaries at SW 176th Street shall provide a six foot (6 ft.) wrought iron
13 fence with masonry columns. The eastern and western perimeters of 7900 SW
14 176th Street already contain a six foot (6 ft.) concrete wall that shall be required to
15 be maintained, on both sides.
16

17 7.7 The Applicant shall provide and/or replace landscaping
18 improvements along SW 184 Street and SW 176 Street fronting the school in
19 compliance with the Village’s Street Tree Master Plan prepared by O’Leary
20 Richards Design Associates, Inc., and in coordination with the Village’s Public
21 Works and Planning & Zoning Departments.
22

23 7.8 The Applicant shall preserve existing trees (including native trees)
24 during the development of the project, wherever possible. If the trees must be
25 removed, the Applicant shall be required to mitigate the impact in accordance
26 with Village and DERM requirements. If the relocated trees do not survive, the
27 Applicant shall be required to replace the trees in compliance with DERM and
28 Village requirements.
29

30 7.9 The Applicant shall install additional oaks and planting materials on
31 the northwest perimeter of buildings no. 16 and 18 in order to provide additional
32 screening to the adjacent neighborhood located on the western boundary of the
33 property. The Applicant is to provide two (2) native trees and a cluster of palms.
34

35 7.10 The pool area shall be landscaped as provided under section 6.7,
36 above.
37

38 7.11 The Applicant shall prohibit parking by faculty, visitors and students
39 on the rights-of-way bordering the school by planting and maintaining
40 landscaping along the rights-of-way in accordance with Village requirements.
41 The Applicant shall work with the Village and County to install “No Parking” signs
42 for the right-of-way along SW 176th Street and SW 184th Street.
43

44 7.12 Applicant shall maintain the areas identified herein as “buffer” and
45 shall be required to perpetually maintain the landscaping within the buffer with
46 the identified native species and other plantings provided in the landscape plan.

1 At no point shall structures be constructed within the buffer area. The buffer shall
2 consist of the 75 foot set aside along the east, west and southern perimeters of
3 8001 SW 184th Street; and the 50 foot set aside along the east, west, and
4 northern perimeters of 7900 SW 176th Street.

5
6 7.13 Applicant shall provide annual update, plan, as to the maintenance
7 for the buffer areas.

8
9 7.14 Buildings 16 and 18 shall require Live Oak trees, or comparable
10 trees, every 20 feet on center for the length of the structures. Each tree shall
11 have an overall height of 16 feet. For Building 16 the trees shall be planted along
12 the west façade and for Building 18 along the east façade.

13
14
15 8. Traffic:

16
17 8.1 The Applicant shall be responsible for compliance with land
18 Development Regulations relating to traffic concurrency requirements.

19
20 8.2 The Applicant shall hire one (1) police officer, or equivalent, during
21 regular session, (per entrance) to control traffic during peak morning and
22 afternoon school hours for each entrance to the school (SW 176th Street and SW
23 184th Street). The school shall also utilize a police officer for special events, as is
24 required under condition 6.2.

25
26 8.3 The Applicant shall install traffic calming devices along the internal
27 circulation driveways and roadways in compliance with the Site Plan and Traffic
28 Study prepared by David Plumber & Associates.

29
30 8.4 The Applicant shall control the entry points to the school by
31 directing student, teacher and staff to enter and exit the school from SW 184
32 Street driveway. The entrance to SW 176th Street shall solely serve as the drop-
33 off and pick-up location for students. This process will be implemented through a
34 decal program. The different color decals will be distributed and assigned to a
35 specific driveway. The security gatehouse at each driveway will monitor for
36 proper use of the decal. Violators shall be contacted by the school master and
37 security to ensure proper enforcement.

38
39 8.5 The Applicant shall fund a series of peak hour intersection turning
40 movement counts, and 72 hour link counts to be taken by the Village along SW
41 176 Street and at the school driveway entrance on that street. These are to
42 occur on a random basis each semester of school operations in perpetuity at the
43 discretion of the Village.
44

1 8.6 If either the 1370 trip daily volume or 960 combined trip volume
2 peak thresholds are violated, the Applicant will be notified in writing and be
3 required to enact measures to bring the traffic volumes into compliance. To do
4 so the Village will require the school to propose at least three (3) mitigative
5 measures that would be enacted should the situation arise. Some of the
6 mitigation measures that could be considered are color coded decal system (see
7 condition 8.4); limiting access to/from SW 176th Street to the east only; license
8 plate numbers entrance assignment; lottery assignment;
9 controls/prohibitions/signing; and closing internal roads so driveway entered must
10 be exited. If the corrective action is not implemented within three (3) weeks of
11 the school being noticed of the violation, the Village will require the entrance be
12 closed until corrective action is implemented by the school. The Village will then
13 verify that the actions to correct the violation are working through additional
14 Village traffic counts paid for by the School.

15
16 8.7 The Applicant shall keep the entrance to SW 176th Street closed to
17 vehicular traffic on weekends, holidays and all days when school is not in regular
18 session.

19
20 8.8 The SW 176th Street entrance shall not be used for the delivery of
21 goods or services to the school or by commercial vehicles. All buses and vans
22 use to transport students to and from the property should use SW 184 Street as
23 ingress and egress.

24
25 8.9 The SW 176th Street entrance shall be closed at 7:00pm everyday.

26
27 8.10 The Applicant shall develop an alternative transit mode feasibility
28 program within three (3) years after receiving the zoning approval. The program
29 should provide incentives for the student to use alternative mode of
30 transportation such as carpool, public transportation or private mass transit to get
31 to and from school.

32
33 8.11 The Applicant shall be responsible for implementing the following
34 mitigation initiatives, as delineated in the David Plummer & Associates Report,
35 dated April 22, 2010:

- 36
37 (a) Old Cutler Road/ SW 184 Street – Add a southbound right turn
38 lane; signal phasing adjustments.
39 (b) SW 184 Street at the project driveway – Construct an eastbound
40 left turn lane.
41 (c) SW 184 Street at the project driveway – Construct a westbound
42 right turn lane.
43 (d) Provide one off-duty police officer at each driveway during
44 morning drop-off and afternoon pick-up periods to monitor/control traffic.
45

1 8.12 Applicant shall be responsible for all expenses relating to traffic
2 control, police involvement, and police participation in traffic movements (the
3 traffic plan). The traffic plan relating to the daily school use and/or for any special
4 events at the school for the roadways shall be subject to approval of Village
5 Police Department and Village Police Officers are to be hired by and paid for by
6 Applicant to manage traffic at entrance(s) to school and off-site locations affected
7 by traffic conditions.

8
9 8.13 Applicant shall install a "No Left Turn" sign at the exit to SW 176th
10 Street and shall preclude left-hand turns onto SW 176th Street, westbound, from
11 the Applicant's SW 176th entrance. This condition shall be required, at a
12 minimum, during peak hours.

13
14 8.14 If vehicle stacking/queuing spills-over onto SW 176th Street, the
15 applicant shall be required to provide additional on-site stacking to accommodate
16 the spill-over. This would require a modification of the circulation plan, which
17 shall be reviewed by the appropriate Village Departments for Compliance. The
18 Applicant shall not be required to obtain Council approval to make the necessary
19 stacking related, circulation modifications to the interior of the property.

20
21 8.15 Applicant shall comply with the "safe routes to school" requirements
22 of 1006.23, Florida Statutes.

23
24
25 9. Parking Related Conditions

26
27 9.1 Comply with condition 7.11 relating to precluding right-of-way
28 (ROW) parking. Cross-reference with section 7.9, above.

29
30 9.2 No parking of vehicles in any of the interior buffers to the property
31 (7900 SW 176th Street or 8001 SW 184th Street).

32
33 9.3 The Applicant shall install pavers in the parking lot to minimize the
34 stormwater runoff impacts, rather than asphaltting the entire parking area, in
35 compliance with Section 28-6(b)(1), of the Village's Code of Ordinances.

36
37 9.4 No loud radios shall be allowed within the parking areas of the
38 entire site.

39
40 9.5 Lighting shall be consistent with conditions 10.2 and 10.3, below.

41
42 9.6 That the Applicant shall maintain a sign prohibiting bus traffic, bus
43 parking, student, faculty or visitor parking along the swales/entrances to the
44 Applicant's property.

45

1 9.7 Proposed installation of 48 sable palms to be planted in the
2 northwestern corner of 8001 SW 184th Street shall be replaced with Live Oak
3 Trees, or other trees acceptable to the Village, as the Oaks shall reduce the
4 "heat island effect," shall enhance the buffering of the site, and increase the tree
5 canopy for the site. The landscaping for the parking lot shall be reviewed at
6 permitting by the Planning and Zoning Department as to the number and type of
7 trees.

8
9 9.8 A continuous hedge shall be incorporated around all parking areas
10 and shall meet all requirements of Chapter 18A, subsections (I) and (J).

11
12 9.9 Applicant is not to create any additional, unimproved temporary or
13 permanent parking areas on the property.

14
15
16 10. Lighting & Energy:

17
18 10.1 The Applicant shall not install lighting for outdoor use other than for
19 parking and/or Code required emergency lighting. The interior of the pool, below
20 the water surface, may contain lights.

21
22 10.2 Applicant shall install and maintain parking area light fixtures which
23 project the light rays directly to the parking surface, and shall include shields
24 which restrict projection of light rays outward to adjacent properties and also
25 restrict the upward projection of light rays into the night sky. Outdoor parking lot
26 area light fixtures shall not cast more than 1/2 ft. candle at the property line.

27
28 10.3 The parking lot lights and all other outdoor lighting (whether for
29 security, roadway or parking) should have a maximum overall height of 15 feet.

30
31 10.4 The Applicant shall not interfere with night programming at Bill
32 Sadowski Park and no athletic field lighting shall be permitted so as preclude
33 adverse effects to the night programming at the Park and residential community.

34
35 10.5 The Applicant shall be required to comply with the conditions of
36 Section 28-6, of the Village's Code of Ordinances relating to the "Minimum Green
37 Standards" (relating to LED lighting, pavers, energy saving fixtures and water
38 conservation).

39
40 10.6 The Applicant shall provide roof location in those structures with flat
41 roofs to install conduit from the electrical room for future Photovoltaic System
42 (PV) installation. A minimum of 300 sq. ft. or larger of roof area in a south or west
43 direction shall be dedicated and clear of vent pipes and other obstructions to
44 allow for the installation of a future PV system. The submitted plans must note
45 compliance with this provision.
46

1 10.7 The parking lot and internal circulation lights shall be placed on a
2 timer consistent with the termination of operational hours and consistent with
3 applicable codes.
4

5
6 11. Noise:
7

8 11.1 Noise emanating from athletic fields and bleachers shall not
9 generate a direct sound pressure level in excess of 65 decibels at the school's
10 boundaries, as provided under the Village's Code Section 30-60.29, as may be
11 amended. The Village will notify the school and the Community Relations
12 Committee of any violations of the noise ordinance. The Village and Applicant
13 will immediately work together to develop corrective action(s). If the corrective
14 action(s) is/are not implemented within three (3) weeks of its adoption, the Village
15 will require that all after-hours field activities be temporarily postponed until the
16 corrective actions are implemented by the school.
17

18 11.2 The Applicant shall install and maintain signs reading: "No radios
19 beyond this point" at the guard house or other location approved by the Village's
20 Planning & Zoning Department. Any student found by the Applicant's
21 administration to have violated the sound restriction, after a warning, would be
22 disciplined within the Palmer Trinity Rules and Procedures.
23

24 11.3 At 7900 SW 176th Street, the Applicant shall ensure bells, pulses,
25 buzzers, or other sounds to signal class times during school operating hours on
26 days when school is in session shall not generate a direct sound pressure level
27 in excess of 65 decibels above ambient sound measured by the A-weighted
28 scale at the school's boundaries, as provided under the Village's Code, Section
29 30-60.29, as may be amended.
30

31 11.4 At 8100 SW 184th Street, the Applicant shall use digital signage
32 system or other non-noise devices approved and recommended by the American
33 with Disability Act (ADA) and the ADA Standards for Accessible Design, to signal
34 change of class times and announcements.
35

36 11.5 Any temporary public address speaker system or similar amplified
37 sound device in the athletic fields shall not be operated between the hours of
38 5:00 p.m. and 10:00 a.m. (Monday thru Friday). On Saturday, the temporary
39 public address speaker system or similar amplified sound device in the athletic
40 fields shall not be operated between the hours of 2:00 p.m. and 10:00 a.m. The
41 temporary public address speaker system shall be used in compliance with the
42 Village's noise Ordinance 30-60.29, as amended, and shall not generate a direct
43 sound pressure level in excess of 65 decibels at the school's boundaries.
44

1 12. Environmental:

2
3 12.1 The Applicant shall provide a space for the collection and storage
4 of recyclables. This provision provides convenient access to recycling facilities
5 and encourages building occupants to utilize the recycling programs to their
6 fullest. Projects shall comply with the minimum solid waste and recyclables
7 storage requirements. Applicant shall depict the collection and storage area(s)
8 location on submitted plans.

9
10 12.2 The Applicant shall use interior paints and wood finishes with low
11 volatile organic compound levels that do not exceed 50 grams per liter flat, or
12 150 grams per liter non-flat. This shall be noted on the approved plans.

13
14 12.3 The Applicant shall hire an archeological consultant to execute a
15 Phase 1 Archeological Survey prior to development. This will determine whether
16 potential archeological sites exist within the property. List of archeological
17 consult has been provided to the Applicant. The selected archeological
18 consultant shall work closely with Miami-Dade County, Office of Historic and
19 Archeological Resources, during this process. In the event, archeological
20 resources are found, the archeological consultant and the Applicant shall contact
21 the County's Office of Historic and Archeological Resources for guidance
22 regarding additional testing and/or archeological monitoring. If unmarked human
23 remains are located, Florida State Statutes 875.05(Florida's Unmarked Human
24 Burial Act) shall apply and all work shall cease. The State Archeologist shall
25 then be notified.

26
27
28 13. Operations.

29
30 13.1 Service and delivery vehicles, including solid waste pick-up, shall
31 be restricted to Monday through Friday, between the hours of 7:00 a.m. to 7:00
32 p.m. [consistent with 30-60.29(e)(7), of the Code]. Saturday deliveries would be
33 allowed from 10:00 a.m. to 1:00 p.m. Service and delivery vehicles shall use the
34 SW 184th Street entrance. This requirement shall be implemented upon the
35 construction of the SW 184th Street entrance.

36
37 13.2 Service, delivery and storage areas and equipment shall be
38 adequately screened and located away from view of adjacent properties, in
39 accordance with the proposed site plan.

40
41 13.3 That interior use of school facilities shall be restricted to the hours
42 of operation between 6:00 am and 10:00 pm, provided that the use is by the
43 Applicant for school-related purposes.

44
45 13.4 The property shall not be used for commercial leasing purposes.
46 Commercial leasing purposes shall mean any use not directly affiliated with the

1 school operations of the Applicant. In addition, it shall mean the use of the
2 Applicant's property, buildings and facilities for economic value or profit through
3 third-parties.

4
5 13.5 Service, delivery and storage areas and equipment shall be
6 adequately screened and located away from view of adjacent properties, in
7 accordance with the proposed site plan.

8
9
10 14. Structures.

11
12 14.1 The two (2) longer structures (building 16, the gymnasium and
13 building 18, the performing arts building) should be modified as follows: the wider
14 portion of these structures are approximately (260 ft x 149 ft.). The Southern
15 portion of each building provides a "tail-like" continuation/extension of
16 approximately 110 feet. These "tail-like" extensions should be setback/offset six
17 feet (6 ft.) from the wider portions of each building. As to Building 16, the six foot
18 (6 ft.) setback/offset should be towards the east boundary. As to Building 18, the
19 six foot (6 ft.) setback should be setback towards the west boundary.

20
21 14.2 In addition, along the 110 foot setback portion of Buildings 16 and
22 18, there should be a colonnade or arcade, with first floor roof-like structure, to
23 break-up the monolithic volume.

24
25 14.3 In compliance with section 7.12, Live Oak trees, or other equivalent
26 type trees, with an overall size of 16 feet in height, should be planted along the
27 remaining east side of Building 18 and along the remaining west side of Building
28 16, every 20 feet on-center for the length of the structures (area not covered by
29 the first floor roof-like arcade structured area). The 16 foot trees should be root
30 pruned to encourage their ability to survive the shock of planting.

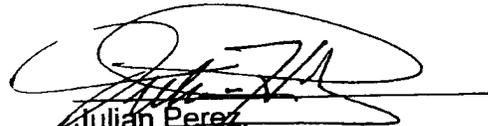
31
32
33 15. Enforcement.

34
35 15.1 Non compliance with the approved site plan shall result in the
36 denial of future permits and may result in a daily fine, per violation, as provided
37 under section 15.2, below.

38
39 15.2 A violation of any of the development approvals and/or conditions
40 of the Village Council will result in a \$500.00 a day fine, per violation. The Village
41 shall provide Applicant with a reasonable notice to cure period. The Applicant is
42 entitled to an appeal of the notice of civil citation pursuant to the procedures for
43 the Village Special Magistrate, found at section 2-205 of the Village' s Code.

44
45 15.3 Cross-reference with specific enforcement provisions relating to
46 section 4.6 as to student population and removal of portables under section 5.11.

15.4 Authorization for the Village of Palmetto Bay to Withhold Permits and Inspections. In the event the terms herein are not being complied with, in addition to any other remedies available, the Village is authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as the conditions contained herein are complied with. The Village shall provide Applicant with a reasonable notice to cure period. The Applicant may follow the procedures for the Village Special Magistrate regarding any appeal.



Julian Perez,
Planning and Zoning Director

Julian Perez

From: Nathan Kogon [Nathan.Kogon@cityofdoral.com]
Sent: Friday, April 30, 2010 12:23 PM
To: Julian Perez
Cc: Eve Boutsis; Efren Nunez
Subject: RE: Request for Information

Julian,

There are other policies which permit uses like, churches, schools, congregate living facilities and small-scale public facilities in residential land use categories such as the EDR. Specifically with schools.. Pursuant to Policy 1.4.1. of the City of Doral Comprehensive Development Master Plan (CDMP), "Public Schools are allowed in all land use categories shown on the adopted Future Land Use Map and all zoning districts contained in the LDC." Additionally, Policy 7.3.4 of the City's CDMP states "Schools shall be allowed in all land use categories on the adopted Future Land Use Map and all zoning districts in the Land Development Code."

Regards,

From: Julian Perez [mailto:jperez@palmettobay-fl.gov]
Sent: Friday, April 30, 2010 11:58 AM
To: Nathan Kogon
Cc: Eve Boutsis; Efren Nunez
Subject: RE: Request for Information

Nathan:

Thank you for your response. Based on your explanation. Can you please inform us if schools and/or other permitted uses are allowed in your EDR. Thank you for the information.

Julian H. Perez
Director
Planning & Zoning Department
8950 SW 152nd Street
Palmetto Bay, FL 33157
305-259-1260

From: Nathan Kogon [mailto:Nathan.Kogon@cityofdoral.com]
Sent: Friday, April 30, 2010 11:44 AM
To: Julian Perez
Cc: Eve Boutsis; Ron Williams; Efren Nunez
Subject: RE: Request for Information

Julian,

I interpret the "EDR" Future Land Use Category pursuant to Policy 1.1.1. of the City of Doral's Comprehensive Development Master Plan as to mean that residential development in this category shall only permit single-family homes with a maximum of 6 units per acre and a maximum of two stories. Having said that, the City does have other policies which allow other specific uses to be permitted in land use categories, including this one. Please let me know if this helps.

4/30/2010

Regards,

From: Julian Perez [mailto:jperez@palmettobay-fl.gov]
Sent: Friday, April 30, 2010 9:08 AM
To: Nathan Kogon
Cc: Eve Boutsis; Ron Williams; Efren Nunez
Subject: Request for Information

Nathan:

Good morning. Hope this e-mail finds you well. In reviewing your "Land Use Element and FLUM, I noticed that both the Village and the City of Doral have a similar policy and definition related to Estate Density Residential (EDR).

Land Use Element:

City of Doral

Policy 1.1.1. Estate Density Residential (EDR) - The residential densities allowed in this category shall not exceed 6 dwelling units per gross acre. This density category is characterizes solely by detached single-family homes on relatively large lots. No attached residential units are allowed in this category. Building height is limited two floors.

Village of Palmetto Bay

Policy 1.1.1. Estate Density Residential (EDR) - The residential densities allowed in this category shall not exceed 2.5 dwelling units per gross acre. This density category is characterized solely by detached single family homes on relatively large lots.

Can you please inform us how the City of Doral interpret Policy 1.1.1 of your Land Use Element?

Regards

Julian H. Perez
Director
Planning & Zoning Department
8950 SW 152nd Street
Palmetto Bay, FL 33157
305-259-1260

Please note that the State of Florida's Public Records Laws provide that most written communications to or from the City of Doral regarding government business are public records available to the public upon request. This e-mail communication may therefore be subject to public disclosure.

Please note that the State of Florida's Public Records Laws provide that most written communications to or from the City of Doral regarding government business are public records available to the public upon request. This e-mail communication may therefore be subject to public disclosure.

4/30/2010

Efren Nunez

From: Efren Nunez
Sent: Thursday, April 29, 2010 10:32 AM
To: Julian Perez
Subject: FW: Palmer Trinity VPB-07-012

-----Original Message-----

From: Ransom, Jeff (DP&Z) [mailto:JRANSOM@miamidade.gov]
Sent: Thursday, April 29, 2010 10:09 AM
To: Efren Nunez
Cc: Kauffman, Kathleen (DP&Z)
Subject: RE: Palmer Trinity VPB-07-012

Hi Efren,

Here's my suggestion for the language:

The applicant shall hire an archaeological consultant to execute a Phase I Archeological Survey prior to development. This will determine whether potential archeological sites exist within the property. A list of archaeological consultants shall be provided to the applicant. The selected archaeological consultant shall work closely with the applicant and the Miami-Dade County Office of Historic and Archeological Resources during this process. In the event, archeological resources are found, the archaeological consultant and the applicant shall contact the County's Office of Historic and Archeological Resources for guidance regarding additional testing and/or archaeological monitoring. If unmarked human remains are located, Florida State Statute 875.05 (Florida's Unmarked Human Burial Act) shall apply and all work shall cease. The State Archaeologist shall then be notified.

Please let me know if you have any questions or concerns.

Regards,

Jeff

Jeff B. Ransom
County Archaeologist
Department of Planning and Zoning
Office of Historic and Archaeological Resources
111 N.W. First Street Suite 695
Miami, Florida 33128
Direct Line: (305) 375-3412
Main Office: (305) 375-4958
Fax: (305) 372-6394
"Delivering Excellence Every Day"

-----Original Message-----

From: Efren Nunez [mailto:enunez@palmettobay-fl.gov]
Sent: Wednesday, April 28, 2010 4:25 PM
To: Ransom, Jeff (DP&Z)
Cc: Julian Perez; Eve Boutsis
Subject: RE: Palmer Trinity VPB-07-012

Good afternoon Jeff,

This is sent to follow up on our meeting earlier today regarding the Palmer Trinity application. As the representative of Miami-Dade County Office of Historic and Archeological Resources, you requested that the Village incorporate the following language into its conditions for the Palmer Trinity Application.

Efren Nunez

From: Ahmed, Zafar (MDPR) [ZNA@miamidade.gov]
Sent: Thursday, April 29, 2010 9:11 AM
To: Efren Nunez; jperez@palmettobay-fl.org
Cc: Nardi, Maria (MDPR); Gregg, W. Howard (MDPR)
Subject: FW: Palmer Trinity Application -VPB- 07-012-B

Miami-Dade County park and Recreation Department has reviewed the subject application and county staff has met with the Village of Palmetto Bay's Planning and Zoning staff to discuss the application. The Department has no objection to the approval of the application based on the revisions and the agreements proffered by the applicant to mitigate impacts of the proposed expansion of the school. There will be no adverse effect on night programming at Bill Sadowski Park since the applicant has agreed to eliminate all exterior lighting, except as required by code for security and parking. Elimination of Athletic Field lighting will remove concern that ambient light after dark would adversely affect park programs. Additionally, Palmer Trinity's has provided acknowledgement of no objection now or in the future to controlled burns

Miami-Dade Park and Recreation has a particular interest in this application because the Southern portion of Bill Sadowski Preserve, at 1755 SW 79 Ave, abuts the eastern property line of the existing school property. Therefore, the following conditions must be included in any approval of the proposed development at Palmer Trinity :

1. Management of the Property requires periodic controlled burns. Should the plan be approved, it would be imperative that the school cooperate with the County in the planning and execution of prescribed burns.
2. Park Programming includes evening events. The Southern Cross Astronomical Society has regularly scheduled and special event star gazing evenings in the northern part of the preserve. Other evening programs at the park include outdoor storytelling and night nature walks. Thus the plans, if approved, must be on condition that there will be no athletic court or field lighting that would adversely affect night programming at the park.

From: Nardi, Maria (MDPR)
Sent: Thursday, April 29, 2010 9:06 AM
To: Ahmed, Zafar (MDPR)
Subject: RE: Palmer Trinity Application -VPB- 07-012-B

Looks good. please forward to the person you contacted at Zoning.

Maria I. Nardi, Chief
Planning and Research Division
Miami-Dade County Parks and Recreation
275 NW 2nd Street, Miami, Florida 33128
Phone 305-755-7860 Fax 305-755-7864
www.miamidade.gov/parks

"Delivering Excellence Everyday"

*"Building a livable community, one green space at a time."
2008 Parks and Open Space System Master Plan*

4/30/2010

 Save a tree. Don't print this e-mail unless it's really necessary.

From: Ahmed, Zafar (MDPR)
Sent: Wednesday, April 28, 2010 12:18 PM
To: Nardi, Maria (MDPR)
Subject: RE: Palmer Trinity Application -VPB- 07-012-B

The following is a draft for comment:

TO: enunez@Palmettobay-fl.org; jperez@palmettobay-fl.org

Miami-Dade County park and Recreation Department has reviewed the subject application and county staff has met with the Village of Palmetto Bay's Planning and Zoning staff to discuss the application. The Department has no objection to the approval of the application based on the revisions and the agreements proffered by the applicant to mitigate impacts of the proposed expansion of the school. There will be no adverse effect on night programming at Bill Sadowski Park since the applicant has agreed to eliminate all exterior lighting, except as required by code for security and parking. Elimination of Athletic Field lighting will remove concern that ambient light after dark would adversely affect park programs. Additionally, Palmer Trinity's has provided acknowledgement of no objection now or in the future to controlled burns

Miami-Dade Park and Recreation has a particular interest in this application because the Southern portion of Bill Sadowski Preserve, at 1755 SW 79 Ave, abuts the eastern property line of the existing school property. Therefore, the following conditions **must be included** in any approval of the proposed development at Palmer Trinity :

3. Management of the Property requires periodic controlled burns. Should the plan be approved, it would be imperative that the school cooperate with the County in the planning and execution of prescribed burns.
4. Park Programming includes evening events. The Southern Cross Astronomical Society has regularly scheduled and special event star gazing evenings in the northern part of the preserve. Other evening programs at the park include outdoor storytelling and night nature walks. Thus the plans, if approved, must be on condition that there will be no athletic court or field lighting that would adversely affect night programming at the park.

From: Ahmed, Zafar (MDPR)
Sent: Tuesday, April 27, 2010 3:51 PM
To: Nardi, Maria (MDPR)
Subject: RE: Miami-Dade County Public Records request - Palmer Trinity Application - vpb 07-012

I met with the Village of Palmetto Bay Planning and Zoning Director and his staff this morning. The Director provided me with an advance copy of the zoning analysis by the Village staff. In addition to the Palmer Trinity's application on a CD ROM, he also shared with me the mandate by the Third District Court of Appeal.

Village staff requested that we send an e-mail as part of Public Comment that ends COB, tomorrow and will be published before the Zoning Hearing on Thursday the 29th.

The revised application includes the following modifications, applicable to Miami-Dade County's park Programs and property at Bill Sadowski Park:

1. The applicant agrees and affirms that there will be no objection now or in the future to controlled burns conducted by Miami-Dade County at Bill Sadowski Park for the park's management.

4/30/2010

2. The applicant shall not to interfere with night program schedules for Bill Sadowski Park and no athletic lighting will be permitted, so as to preclude adverse effects to the night programming at the park and residential community.
3. The applicant agrees not to install lighting for outdoor uses other than that needed for parking areas, and emergency lighting requirements of the code. Only the interior of the pool may contain lights.

Recommended Comment To the Village:

The Department has no objection to the approval of the application based on the revisions and the agreements proffered by the applicant to mitigate impacts of the proposed expansion of the school. There will be no adverse effect on night programming at Bill Sadowski Park since the applicant has agreed to eliminate all exterior lighting, except as required by code for security and parking. Additionally, Palmer Trinity's has provided acknowledgement of no objection now or in the future to controlled burns

From: Ahmed, Zafar (MDPR)
Sent: Tuesday, April 27, 2010 8:45 AM
To: Nardi, Maria (MDPR)
Subject: Fw: Miami-Dade County Public Records request - Palmer Trinity Application - vpb 07-012

I am going to Palmetto Bay Village Hall to pick up the Palmer Trinity application.

Sent via BlackBerry by AT&T

From: "Efren Nunez" <enunez@palmettobay-fl.gov>
Date: Mon, 26 Apr 2010 17:52:30 -0400
To: Ahmed, Zafar (MDPR) <ZNA@miamidade.gov>
Subject: RE: Miami-Dade County Public Records request - Palmer Trinity Application - vpb 07-012

We have your request ready for pick-up...

From: Ahmed, Zafar (MDPR) [mailto:ZNA@miamidade.gov]
Sent: Friday, April 23, 2010 4:28 PM
To: Efren Nunez
Subject: Palmer Trinity Application - vpb 07-012

As discussed, Miami-Dade Park and Recreation Department would like a copy of the revised application by Palmer Trinity School. Please also provide me with a copy of previous request from Miami-Dade Park and Recreation as well a copy of our previous input, that you may have in your record. Once you advise me of the availability of my request, I will pick up the documents from your office. Thanks.

Zafar Ahmed

GIS Database Asset Manager and
Park Planner 3
305-755-7997
Miami Dade Park and Recreation Department
Planning and Research Division
" *Delivering Excellence Every Day* "

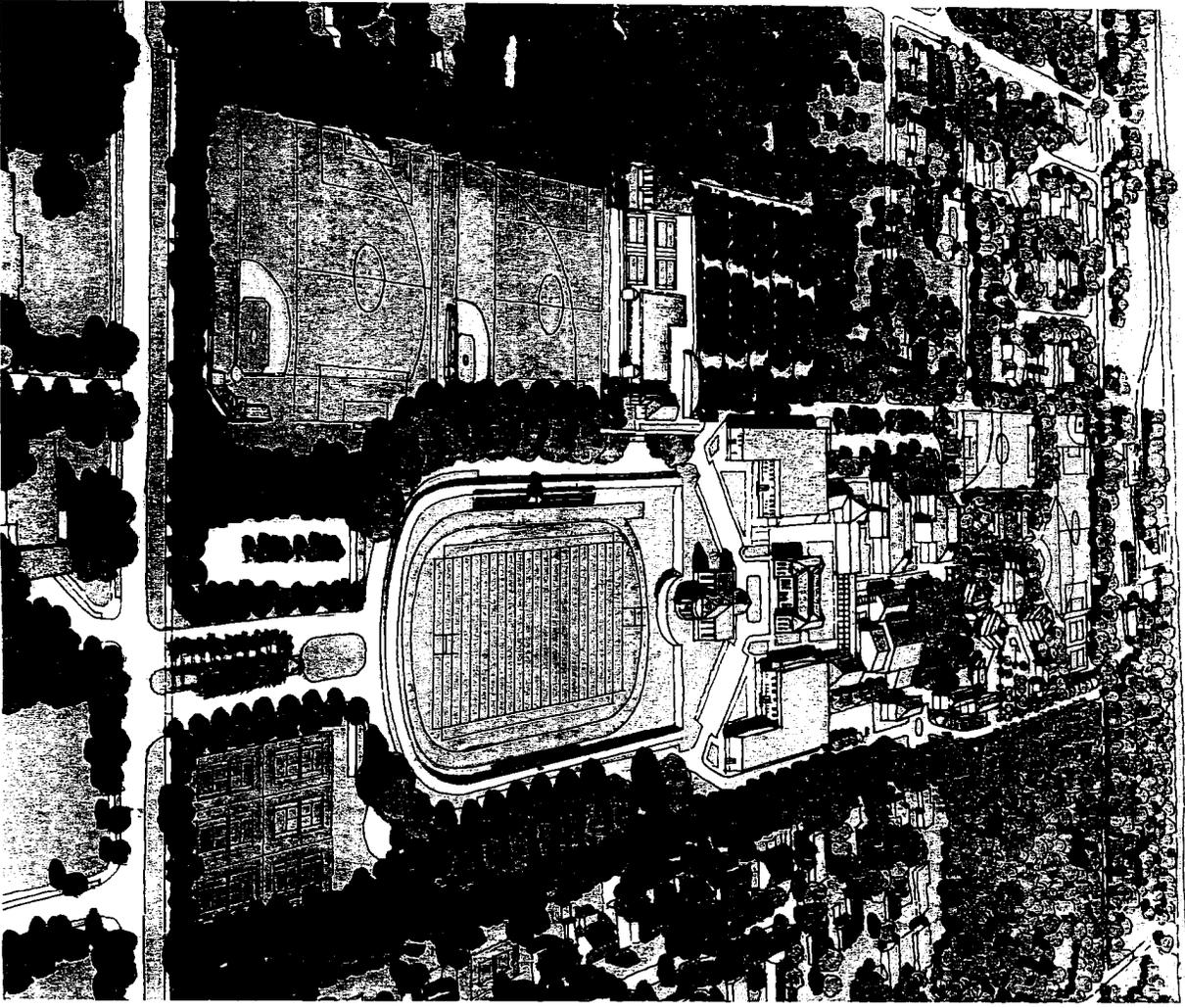
4/30/2010

RESOLUTION 2010-48
EXHIBIT "B"

Exhibit X

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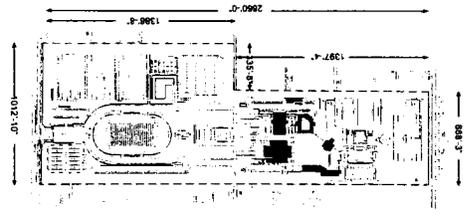


PALMER TRINITY SCHOOL CAMPUS MASTER PLAN

PROJECT TEAM:
 Landscape Architect:
 Geometric Design, Inc.
 Master Planner:
 Duany Plater-Zyberk & Company, LLC
 Traffic Engineer:
 David Plummer & Associates
 Zoning Attorney:
 Brian Surling, Brian Price & Auerold, LLP



Project Team



Master Plan Key

NAME	DATE	REVISIONS
DUANY PLATER-ZYBERK & CO.	10/11/10	1
DUANY PLATER-ZYBERK & CO.	10/11/10	2
DUANY PLATER-ZYBERK & CO.	10/11/10	3
DUANY PLATER-ZYBERK & CO.	10/11/10	4
DUANY PLATER-ZYBERK & CO.	10/11/10	5
DUANY PLATER-ZYBERK & CO.	10/11/10	6
DUANY PLATER-ZYBERK & CO.	10/11/10	7
DUANY PLATER-ZYBERK & CO.	10/11/10	8
DUANY PLATER-ZYBERK & CO.	10/11/10	9
DUANY PLATER-ZYBERK & CO.	10/11/10	10
DUANY PLATER-ZYBERK & CO.	10/11/10	11
DUANY PLATER-ZYBERK & CO.	10/11/10	12
DUANY PLATER-ZYBERK & CO.	10/11/10	13
DUANY PLATER-ZYBERK & CO.	10/11/10	14
DUANY PLATER-ZYBERK & CO.	10/11/10	15
DUANY PLATER-ZYBERK & CO.	10/11/10	16
DUANY PLATER-ZYBERK & CO.	10/11/10	17
DUANY PLATER-ZYBERK & CO.	10/11/10	18
DUANY PLATER-ZYBERK & CO.	10/11/10	19
DUANY PLATER-ZYBERK & CO.	10/11/10	20
DUANY PLATER-ZYBERK & CO.	10/11/10	21
DUANY PLATER-ZYBERK & CO.	10/11/10	22
DUANY PLATER-ZYBERK & CO.	10/11/10	23
DUANY PLATER-ZYBERK & CO.	10/11/10	24
DUANY PLATER-ZYBERK & CO.	10/11/10	25
DUANY PLATER-ZYBERK & CO.	10/11/10	26
DUANY PLATER-ZYBERK & CO.	10/11/10	27
DUANY PLATER-ZYBERK & CO.	10/11/10	28
DUANY PLATER-ZYBERK & CO.	10/11/10	29
DUANY PLATER-ZYBERK & CO.	10/11/10	30
DUANY PLATER-ZYBERK & CO.	10/11/10	31
DUANY PLATER-ZYBERK & CO.	10/11/10	32
DUANY PLATER-ZYBERK & CO.	10/11/10	33
DUANY PLATER-ZYBERK & CO.	10/11/10	34
DUANY PLATER-ZYBERK & CO.	10/11/10	35
DUANY PLATER-ZYBERK & CO.	10/11/10	36
DUANY PLATER-ZYBERK & CO.	10/11/10	37
DUANY PLATER-ZYBERK & CO.	10/11/10	38
DUANY PLATER-ZYBERK & CO.	10/11/10	39
DUANY PLATER-ZYBERK & CO.	10/11/10	40
DUANY PLATER-ZYBERK & CO.	10/11/10	41
DUANY PLATER-ZYBERK & CO.	10/11/10	42
DUANY PLATER-ZYBERK & CO.	10/11/10	43
DUANY PLATER-ZYBERK & CO.	10/11/10	44
DUANY PLATER-ZYBERK & CO.	10/11/10	45
DUANY PLATER-ZYBERK & CO.	10/11/10	46
DUANY PLATER-ZYBERK & CO.	10/11/10	47
DUANY PLATER-ZYBERK & CO.	10/11/10	48
DUANY PLATER-ZYBERK & CO.	10/11/10	49

Zoning Legend

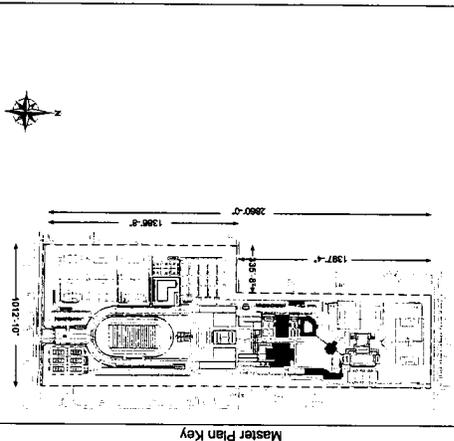
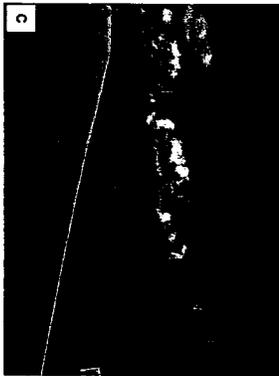
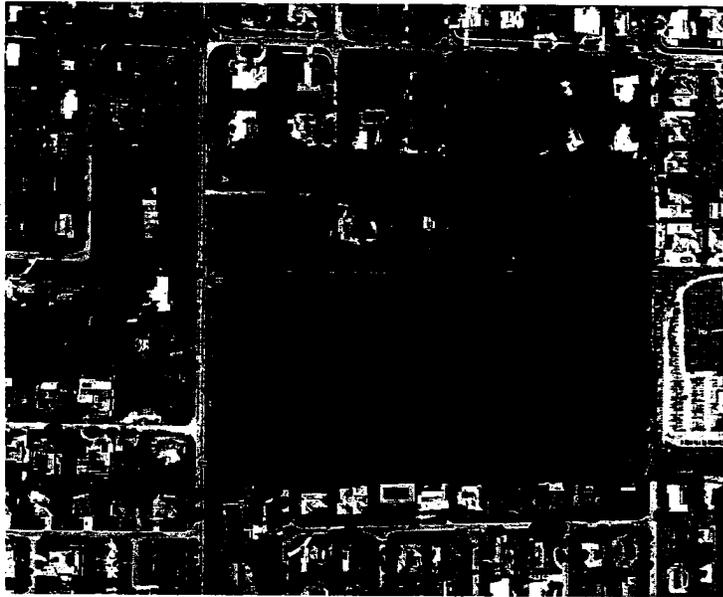
PALMER TRINITY SCHOOL

7900 SW 176TH ST. PALMETTO BAY, FL. 33157
 SHEET 1
 DUANY PLATER-ZYBERK & CO.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 23RD AVE., MIAMI FL. 33135
 P. 305.844.1023 F. 305.844.1021
 4/19/2010

Prepared By

EXISTING CONDITIONS

BOUNDARY SURVEY
8001 SW 194 ST
 Sealed survey by Exacda attached separately.



Palmer School, 220001 120000

NO.	DESCRIPTION	DATE	BY	CHECKED
1	PRELIMINARY SURVEY	12/15/10	J. W. WILSON	J. W. WILSON
2	FINAL SURVEY	12/15/10	J. W. WILSON	J. W. WILSON

Palmer School, 220001 120000

NO.	DESCRIPTION	DATE	BY	CHECKED
1	PRELIMINARY SURVEY	12/15/10	J. W. WILSON	J. W. WILSON
2	FINAL SURVEY	12/15/10	J. W. WILSON	J. W. WILSON

Palmer School, 220001 120000

NO.	DESCRIPTION	DATE	BY	CHECKED
1	PRELIMINARY SURVEY	12/15/10	J. W. WILSON	J. W. WILSON
2	FINAL SURVEY	12/15/10	J. W. WILSON	J. W. WILSON

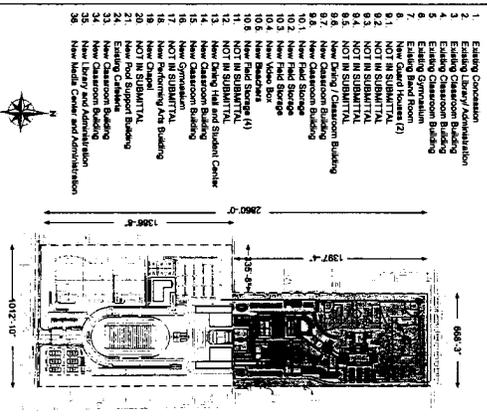
3.1 SHEET
 4192010

DUANY PLATER-ZYBERK & CO.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 25TH AVE. MIAMI FL. 33135
 P. 305.644.1023 F. 305.644.1021

Prepared By

MASTER PLAN

EXISTING BUILDINGS
PROPOSED BUILDINGS
LANDSCAPE BUFFERS
ROADWAY



Master Plan Key

Existing Conditions
Proposed Conditions
Landscape Buffers
Roadway

- 1 Existing Concussion Rehabilitation
- 2 Existing Classroom Building
- 3 Existing Classroom Building
- 4 Existing Classroom Building
- 5 Existing Gymnasium
- 6 Existing Gymnasium
- 7 Existing Band Room (2)
- 8 Existing Band Room (2)
- 9 NOT IN SUBMITTAL
- 10 NOT IN SUBMITTAL
- 11 NOT IN SUBMITTAL
- 12 NOT IN SUBMITTAL
- 13 New Classroom Building
- 14 New Classroom Building
- 15 New Dining Hall and Student Center
- 16 New Classroom Building
- 17 NOT IN SUBMITTAL
- 18 New Performing Arts Building
- 19 NOT IN SUBMITTAL
- 20 NOT IN SUBMITTAL
- 21 New Roof Support Building
- 22 New Classroom Building
- 23 New Classroom Building
- 24 New Media Center and Administration
- 25
- 26
- 27
- 28
- 29
- 30

Building Number	Building Name	Area (sq ft)	Volume (cu ft)	Height (ft)	Notes
1	Existing Concussion Rehabilitation	1,000	10,000	10	Existing
2	Existing Classroom Building	2,000	20,000	10	Existing
3	Existing Classroom Building	2,000	20,000	10	Existing
4	Existing Classroom Building	2,000	20,000	10	Existing
5	Existing Gymnasium	10,000	100,000	10	Existing
6	Existing Gymnasium	10,000	100,000	10	Existing
7	Existing Band Room (2)	2,000	20,000	10	Existing
8	Existing Band Room (2)	2,000	20,000	10	Existing
9	NOT IN SUBMITTAL	-	-	-	Not in Submittal
10	NOT IN SUBMITTAL	-	-	-	Not in Submittal
11	NOT IN SUBMITTAL	-	-	-	Not in Submittal
12	NOT IN SUBMITTAL	-	-	-	Not in Submittal
13	New Classroom Building	2,000	20,000	10	New
14	New Classroom Building	2,000	20,000	10	New
15	New Dining Hall and Student Center	10,000	100,000	10	New
16	New Classroom Building	2,000	20,000	10	New
17	NOT IN SUBMITTAL	-	-	-	Not in Submittal
18	New Performing Arts Building	10,000	100,000	10	New
19	NOT IN SUBMITTAL	-	-	-	Not in Submittal
20	NOT IN SUBMITTAL	-	-	-	Not in Submittal
21	New Roof Support Building	2,000	20,000	10	New
22	New Classroom Building	2,000	20,000	10	New
23	New Classroom Building	2,000	20,000	10	New
24	New Media Center and Administration	10,000	100,000	10	New
25					
26					
27					
28					
29					
30					

Zoning Legend

Code	Description	Area (sq ft)	Volume (cu ft)	Height (ft)	Notes
1	Existing Concussion Rehabilitation	1,000	10,000	10	Existing
2	Existing Classroom Building	2,000	20,000	10	Existing
3	Existing Classroom Building	2,000	20,000	10	Existing
4	Existing Classroom Building	2,000	20,000	10	Existing
5	Existing Gymnasium	10,000	100,000	10	Existing
6	Existing Gymnasium	10,000	100,000	10	Existing
7	Existing Band Room (2)	2,000	20,000	10	Existing
8	Existing Band Room (2)	2,000	20,000	10	Existing
9	NOT IN SUBMITTAL	-	-	-	Not in Submittal
10	NOT IN SUBMITTAL	-	-	-	Not in Submittal
11	NOT IN SUBMITTAL	-	-	-	Not in Submittal
12	NOT IN SUBMITTAL	-	-	-	Not in Submittal
13	New Classroom Building	2,000	20,000	10	New
14	New Classroom Building	2,000	20,000	10	New
15	New Dining Hall and Student Center	10,000	100,000	10	New
16	New Classroom Building	2,000	20,000	10	New
17	NOT IN SUBMITTAL	-	-	-	Not in Submittal
18	New Performing Arts Building	10,000	100,000	10	New
19	NOT IN SUBMITTAL	-	-	-	Not in Submittal
20	NOT IN SUBMITTAL	-	-	-	Not in Submittal
21	New Roof Support Building	2,000	20,000	10	New
22	New Classroom Building	2,000	20,000	10	New
23	New Classroom Building	2,000	20,000	10	New
24	New Media Center and Administration	10,000	100,000	10	New
25					
26					
27					
28					
29					
30					

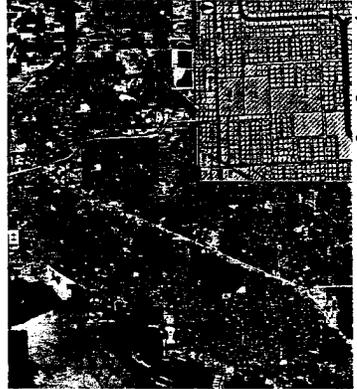
Palmer Trinity School
7900 SW 176th St. Palmetto Bay, FL 33157

Duany Plater-Zyberk & Co. Architects and Town Planners
1023 SW 25th Ave. Miami, FL 33135
P. 305.644.1023 F. 305.644.1021

4,19,2010

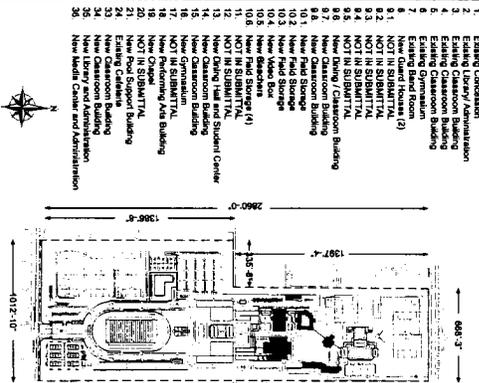
Building Number	Building Name	Area (sq ft)	Volume (cu ft)	Height (ft)	Notes
1	Existing Concussion Rehabilitation	1,000	10,000	10	Existing
2	Existing Classroom Building	2,000	20,000	10	Existing
3	Existing Classroom Building	2,000	20,000	10	Existing
4	Existing Classroom Building	2,000	20,000	10	Existing
5	Existing Gymnasium	10,000	100,000	10	Existing
6	Existing Gymnasium	10,000	100,000	10	Existing
7	Existing Band Room (2)	2,000	20,000	10	Existing
8	Existing Band Room (2)	2,000	20,000	10	Existing
9	NOT IN SUBMITTAL	-	-	-	Not in Submittal
10	NOT IN SUBMITTAL	-	-	-	Not in Submittal
11	NOT IN SUBMITTAL	-	-	-	Not in Submittal
12	NOT IN SUBMITTAL	-	-	-	Not in Submittal
13	New Classroom Building	2,000	20,000	10	New
14	New Classroom Building	2,000	20,000	10	New
15	New Dining Hall and Student Center	10,000	100,000	10	New
16	New Classroom Building	2,000	20,000	10	New
17	NOT IN SUBMITTAL	-	-	-	Not in Submittal
18	New Performing Arts Building	10,000	100,000	10	New
19	NOT IN SUBMITTAL	-	-	-	Not in Submittal
20	NOT IN SUBMITTAL	-	-	-	Not in Submittal
21	New Roof Support Building	2,000	20,000	10	New
22	New Classroom Building	2,000	20,000	10	New
23	New Classroom Building	2,000	20,000	10	New
24	New Media Center and Administration	10,000	100,000	10	New
25					
26					
27					
28					
29					
30					

Adjacent Zoning Designations



MASTER PLAN

Master Plan Key

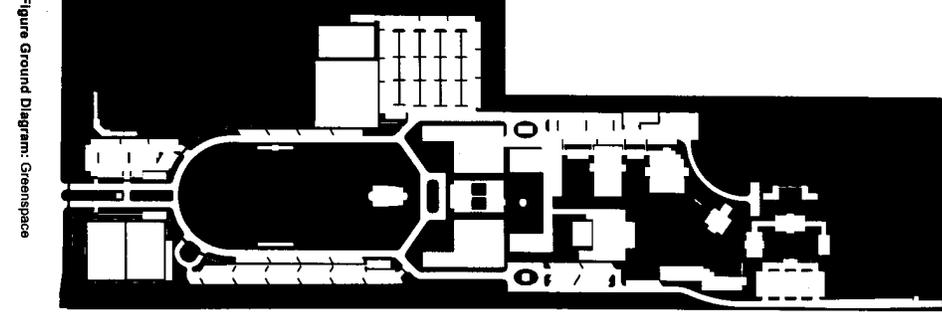
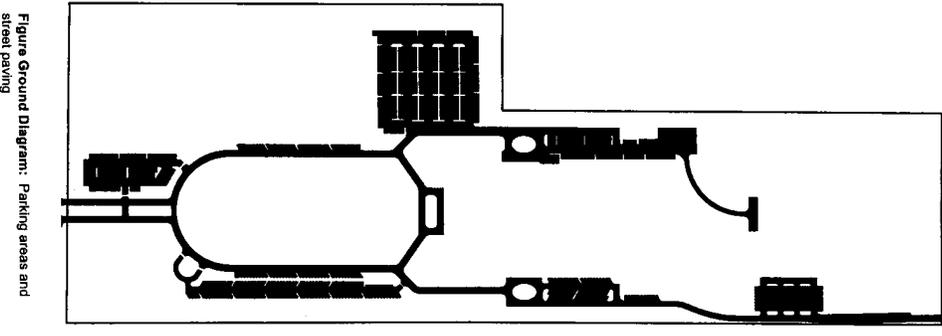


Scale: 1/8" = 1'-0"

Project Name: PALMER TRINITY SCHOOL

Site Address: 7900 SW 176th St, Palmetto Bay, FL 33157

NO.	DESCRIPTION	AREA (SQ. FT.)	STATUS
1	Existing Classroom Building	10,000	EXISTING
2	Existing Classroom Building	10,000	EXISTING
3	Existing Classroom Building	10,000	EXISTING
4	Existing Classroom Building	10,000	EXISTING
5	Existing Classroom Building	10,000	EXISTING
6	Existing Classroom Building	10,000	EXISTING
7	Existing Classroom Building	10,000	EXISTING
8	Existing Classroom Building	10,000	EXISTING
9	Existing Classroom Building	10,000	EXISTING
10	Existing Classroom Building	10,000	EXISTING
11	Existing Classroom Building	10,000	EXISTING
12	Existing Classroom Building	10,000	EXISTING
13	Existing Classroom Building	10,000	EXISTING
14	Existing Classroom Building	10,000	EXISTING
15	Existing Classroom Building	10,000	EXISTING
16	Existing Classroom Building	10,000	EXISTING
17	Existing Classroom Building	10,000	EXISTING
18	Existing Classroom Building	10,000	EXISTING
19	Existing Classroom Building	10,000	EXISTING
20	Existing Classroom Building	10,000	EXISTING
21	Existing Classroom Building	10,000	EXISTING
22	Existing Classroom Building	10,000	EXISTING
23	Existing Classroom Building	10,000	EXISTING
24	Existing Classroom Building	10,000	EXISTING
25	Existing Classroom Building	10,000	EXISTING
26	Existing Classroom Building	10,000	EXISTING
27	Existing Classroom Building	10,000	EXISTING
28	Existing Classroom Building	10,000	EXISTING
29	Existing Classroom Building	10,000	EXISTING
30	Existing Classroom Building	10,000	EXISTING
31	Existing Classroom Building	10,000	EXISTING
32	Existing Classroom Building	10,000	EXISTING
33	Existing Classroom Building	10,000	EXISTING
34	Existing Classroom Building	10,000	EXISTING
35	Existing Classroom Building	10,000	EXISTING
36	Existing Classroom Building	10,000	EXISTING



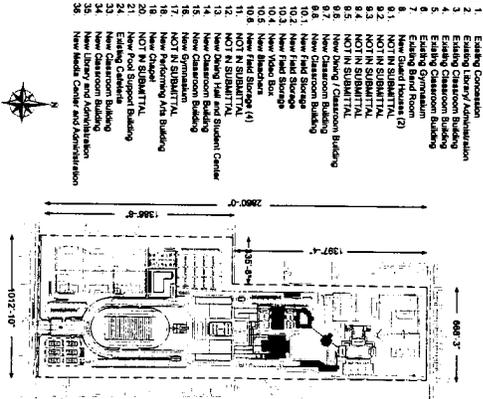
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DUANY PLATER-ZYBERK & CO.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 25th AVE, MIAMI FL, 33135
 P. 305.644.1023 F. 305.644.1021

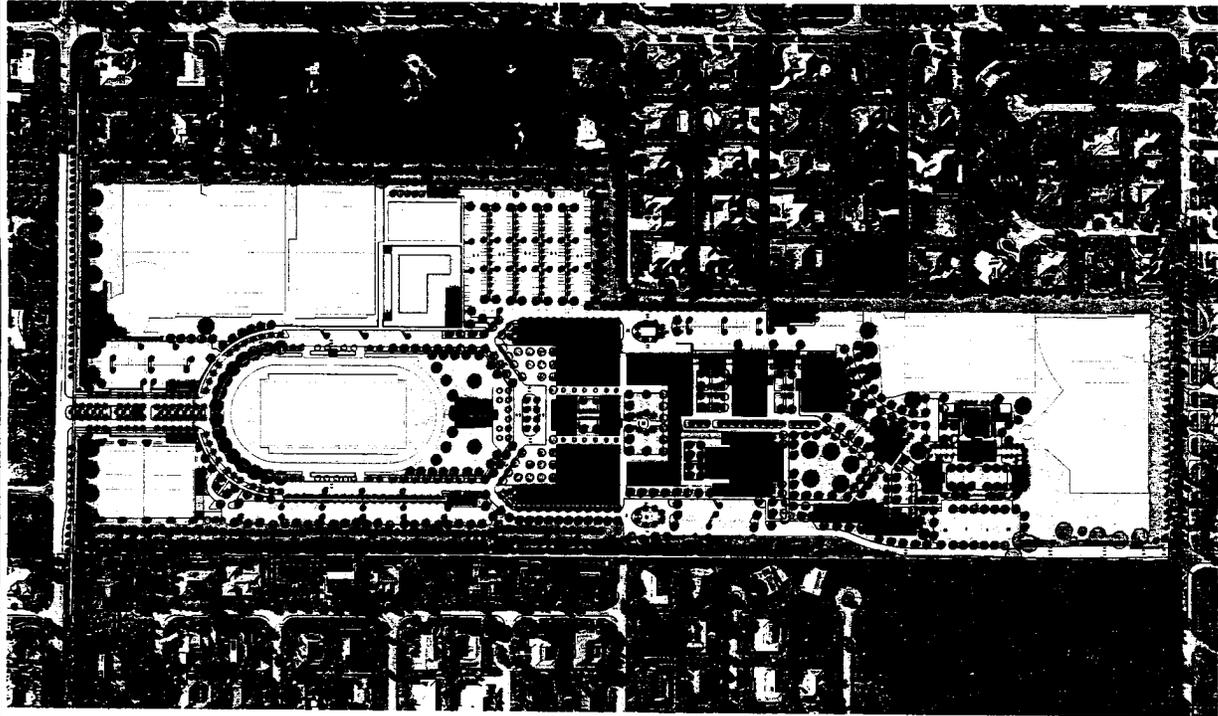
Prepared By

MASTER PLAN

Master Plan Key



- 1. Existing Concession
- 2. Existing Library/Administration
- 3. Existing Classroom Building
- 4. Existing Classroom Building
- 5. Existing Classroom Building
- 6. Existing Band Room
- 7. Existing Gymnasium
- 8. New Guard House (2)
- 9. New Classroom Building
- 10. NOT IN SUBMITTAL
- 11. NOT IN SUBMITTAL
- 12. NOT IN SUBMITTAL
- 13. New Dining / Classroom Building
- 14. New Dining / Classroom Building
- 15. New Dining / Classroom Building
- 16. New Dining / Classroom Building
- 17. New Dining / Classroom Building
- 18. New Dining / Classroom Building
- 19. New Dining / Classroom Building
- 20. New Dining / Classroom Building
- 21. New Dining / Classroom Building
- 22. New Dining / Classroom Building
- 23. New Dining / Classroom Building
- 24. New Dining / Classroom Building
- 25. New Dining / Classroom Building
- 26. New Dining / Classroom Building
- 27. New Dining / Classroom Building
- 28. New Dining / Classroom Building
- 29. New Dining / Classroom Building
- 30. New Dining / Classroom Building
- 31. New Dining / Classroom Building
- 32. New Dining / Classroom Building
- 33. New Dining / Classroom Building
- 34. New Dining / Classroom Building
- 35. New Dining / Classroom Building
- 36. New Dining / Classroom Building



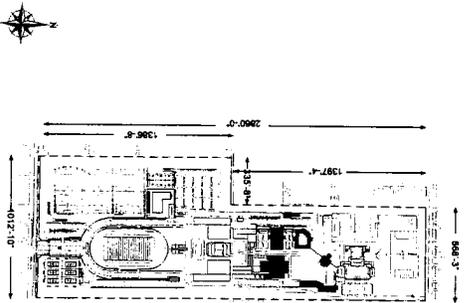
NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE OF TOTAL AREA
1	Existing Concession	1,200	0.03
2	Existing Library/Administration	15,000	0.12
3	Existing Classroom Building	120,000	0.95
4	Existing Classroom Building	120,000	0.95
5	Existing Classroom Building	120,000	0.95
6	Existing Band Room	10,000	0.08
7	Existing Gymnasium	100,000	0.80
8	New Guard House (2)	2,000	0.02
9	New Classroom Building	120,000	0.95
10	NOT IN SUBMITTAL	0	0.00
11	NOT IN SUBMITTAL	0	0.00
12	NOT IN SUBMITTAL	0	0.00
13	New Dining / Classroom Building	120,000	0.95
14	New Dining / Classroom Building	120,000	0.95
15	New Dining / Classroom Building	120,000	0.95
16	New Dining / Classroom Building	120,000	0.95
17	New Dining / Classroom Building	120,000	0.95
18	New Dining / Classroom Building	120,000	0.95
19	New Dining / Classroom Building	120,000	0.95
20	New Dining / Classroom Building	120,000	0.95
21	New Dining / Classroom Building	120,000	0.95
22	New Dining / Classroom Building	120,000	0.95
23	New Dining / Classroom Building	120,000	0.95
24	New Dining / Classroom Building	120,000	0.95
25	New Dining / Classroom Building	120,000	0.95
26	New Dining / Classroom Building	120,000	0.95
27	New Dining / Classroom Building	120,000	0.95
28	New Dining / Classroom Building	120,000	0.95
29	New Dining / Classroom Building	120,000	0.95
30	New Dining / Classroom Building	120,000	0.95
31	New Dining / Classroom Building	120,000	0.95
32	New Dining / Classroom Building	120,000	0.95
33	New Dining / Classroom Building	120,000	0.95
34	New Dining / Classroom Building	120,000	0.95
35	New Dining / Classroom Building	120,000	0.95
36	New Dining / Classroom Building	120,000	0.95

PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO BAY, FL. 33157
DUANY PLATER-ZYBERK & CO.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 25TH AVE. MIAMI FL. 33135
 P. 305.644.1023 F. 305.644.1021
 SHEET **5.2**
 4/19/2010

LANDSCAPE PLANS

Consultant

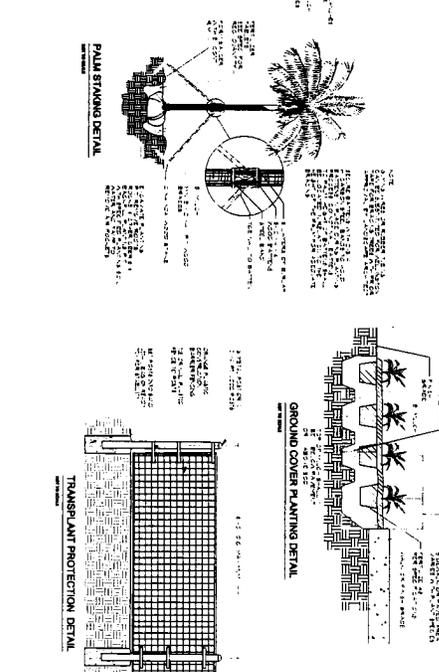
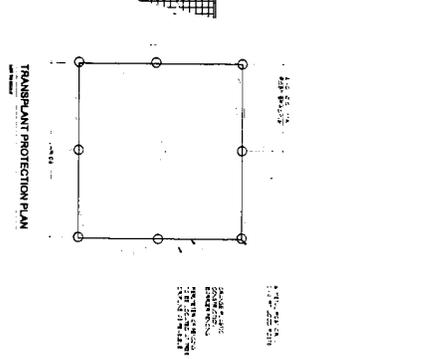
**GEOMANTIC
DESIGNS, INC.**
LANDSCAPE ARCHITECTS
ROBERT PARSELEY A.S.I.A.
LA 00009
6803 S. W. 31 STREET, MIAMI, FL. 33143
PHONE: 305.554.5544 FAX: 305.554.5542



PALMER TRINITY SCHOOL
LANDSCAPE LEGEND

Project: District Blvd (77' Right-of-Way) Multi-Phase Site Area (232,971 sq. ft.)
School Project: 1727' x 600' (746,818 sq. ft.)
Municipality: Miami-Dade

Code	Description	Quantity	Unit Price	Total
01	Planting - 1/2" Caliper	1,019	1.10	1,121
02	Planting - 3/4" Caliper	428	1.45	621
03	Planting - 1" Caliper	884	1.85	1,633
04	Planting - 1 1/2" Caliper	300	2.70	810
05	Planting - 2" Caliper	27	41.00	1,107
06	Planting - 3" Caliper	41	65.00	2,665
07	Planting - 4" Caliper	27	41.00	1,107
08	Planting - 6" Caliper	41	65.00	2,665
09	Planting - 8" Caliper	27	41.00	1,107
10	Planting - 10" Caliper	41	65.00	2,665
11	Planting - 12" Caliper	27	41.00	1,107
12	Planting - 14" Caliper	41	65.00	2,665
13	Planting - 16" Caliper	27	41.00	1,107
14	Planting - 18" Caliper	41	65.00	2,665
15	Planting - 20" Caliper	27	41.00	1,107
16	Planting - 24" Caliper	41	65.00	2,665
17	Planting - 30" Caliper	27	41.00	1,107
18	Planting - 36" Caliper	41	65.00	2,665
19	Planting - 42" Caliper	27	41.00	1,107
20	Planting - 48" Caliper	41	65.00	2,665
21	Planting - 54" Caliper	27	41.00	1,107
22	Planting - 60" Caliper	41	65.00	2,665
23	Planting - 72" Caliper	27	41.00	1,107
24	Planting - 84" Caliper	41	65.00	2,665
25	Planting - 96" Caliper	27	41.00	1,107
26	Planting - 108" Caliper	41	65.00	2,665
27	Planting - 120" Caliper	27	41.00	1,107
28	Planting - 144" Caliper	41	65.00	2,665
29	Planting - 168" Caliper	27	41.00	1,107
30	Planting - 192" Caliper	41	65.00	2,665
31	Planting - 216" Caliper	27	41.00	1,107
32	Planting - 240" Caliper	41	65.00	2,665
33	Planting - 270" Caliper	27	41.00	1,107
34	Planting - 300" Caliper	41	65.00	2,665
35	Planting - 360" Caliper	27	41.00	1,107
36	Planting - 420" Caliper	41	65.00	2,665
37	Planting - 480" Caliper	27	41.00	1,107
38	Planting - 540" Caliper	41	65.00	2,665
39	Planting - 600" Caliper	27	41.00	1,107
40	Planting - 720" Caliper	41	65.00	2,665
41	Planting - 840" Caliper	27	41.00	1,107
42	Planting - 960" Caliper	41	65.00	2,665
43	Planting - 1080" Caliper	27	41.00	1,107
44	Planting - 1200" Caliper	41	65.00	2,665
45	Planting - 1440" Caliper	27	41.00	1,107
46	Planting - 1728" Caliper	41	65.00	2,665
47	Planting - 2016" Caliper	27	41.00	1,107
48	Planting - 2304" Caliper	41	65.00	2,665
49	Planting - 2592" Caliper	27	41.00	1,107
50	Planting - 2880" Caliper	41	65.00	2,665
51	Planting - 3168" Caliper	27	41.00	1,107
52	Planting - 3456" Caliper	41	65.00	2,665
53	Planting - 3744" Caliper	27	41.00	1,107
54	Planting - 4032" Caliper	41	65.00	2,665
55	Planting - 4320" Caliper	27	41.00	1,107
56	Planting - 4608" Caliper	41	65.00	2,665
57	Planting - 4896" Caliper	27	41.00	1,107
58	Planting - 5184" Caliper	41	65.00	2,665
59	Planting - 5472" Caliper	27	41.00	1,107
60	Planting - 5760" Caliper	41	65.00	2,665
61	Planting - 6048" Caliper	27	41.00	1,107
62	Planting - 6336" Caliper	41	65.00	2,665
63	Planting - 6624" Caliper	27	41.00	1,107
64	Planting - 6912" Caliper	41	65.00	2,665
65	Planting - 7200" Caliper	27	41.00	1,107
66	Planting - 7488" Caliper	41	65.00	2,665
67	Planting - 7776" Caliper	27	41.00	1,107
68	Planting - 8064" Caliper	41	65.00	2,665
69	Planting - 8352" Caliper	27	41.00	1,107
70	Planting - 8640" Caliper	41	65.00	2,665
71	Planting - 8928" Caliper	27	41.00	1,107
72	Planting - 9216" Caliper	41	65.00	2,665
73	Planting - 9504" Caliper	27	41.00	1,107
74	Planting - 9792" Caliper	41	65.00	2,665
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76	Planting - 10368" Caliper	41	65.00	2,665
77	Planting - 10656" Caliper	27	41.00	1,107
78	Planting - 10944" Caliper	41	65.00	2,665
79	Planting - 11232" Caliper	27	41.00	1,107
80	Planting - 11520" Caliper	41	65.00	2,665
81	Planting - 11808" Caliper	27	41.00	1,107
82	Planting - 12096" Caliper	41	65.00	2,665
83	Planting - 12384" Caliper	27	41.00	1,107
84	Planting - 12672" Caliper	41	65.00	2,665
85	Planting - 12960" Caliper	27	41.00	1,107
86	Planting - 13248" Caliper	41	65.00	2,665
87	Planting - 13536" Caliper	27	41.00	1,107
88	Planting - 13824" Caliper	41	65.00	2,665
89	Planting - 14112" Caliper	27	41.00	1,107
90	Planting - 14400" Caliper	41	65.00	2,665
91	Planting - 14688" Caliper	27	41.00	1,107
92	Planting - 14976" Caliper	41	65.00	2,665
93	Planting - 15264" Caliper	27	41.00	1,107
94	Planting - 15552" Caliper	41	65.00	2,665
95	Planting - 15840" Caliper	27	41.00	1,107
96	Planting - 16128" Caliper	41	65.00	2,665
97	Planting - 16416" Caliper	27	41.00	1,107
98	Planting - 16704" Caliper	41	65.00	2,665
99	Planting - 16992" Caliper	27	41.00	1,107
100	Planting - 17280" Caliper	41	65.00	2,665



MULTI-TRUNK TREE STAKING

Species	Caliper	Stake Size	Stake Spacing	Stake Length
1	1/2"	1/2"	12"	6'
2	3/4"	3/4"	12"	6'
3	1"	1"	12"	6'
4	1 1/2"	1 1/2"	12"	6'
5	2"	2"	12"	6'
6	3"	3"	12"	6'
7	4"	4"	12"	6'
8	6"	6"	12"	6'
9	8"	8"	12"	6'
10	10"	10"	12"	6'
11	12"	12"	12"	6'
12	14"	14"	12"	6'
13	16"	16"	12"	6'
14	18"	18"	12"	6'
15	20"	20"	12"	6'
16	24"	24"	12"	6'
17	30"	30"	12"	6'
18	36"	36"	12"	6'
19	42"	42"	12"	6'
20	48"	48"	12"	6'
21	54"	54"	12"	6'
22	60"	60"	12"	6'
23	72"	72"	12"	6'
24	84"	84"	12"	6'
25	96"	96"	12"	6'
26	108"	108"	12"	6'
27	120"	120"	12"	6'
28	144"	144"	12"	6'
29	168"	168"	12"	6'
30	192"	192"	12"	6'
31	216"	216"	12"	6'
32	240"	240"	12"	6'
33	270"	270"	12"	6'
34	300"	300"	12"	6'
35	360"	360"	12"	6'
36	420"	420"	12"	6'
37	480"	480"	12"	6'
38	540"	540"	12"	6'
39	600"	600"	12"	6'
40	720"	720"	12"	6'
41	840"	840"	12"	6'
42	960"	960"	12"	6'
43	1080"	1080"	12"	6'
44	1200"	1200"	12"	6'
45	1440"	1440"	12"	6'
46	1728"	1728"	12"	6'
47	2016"	2016"	12"	6'
48	2304"	2304"	12"	6'
49	2592"	2592"	12"	6'
50	2880"	2880"	12"	6'
51	3168"	3168"	12"	6'
52	3456"	3456"	12"	6'
53	3744"	3744"	12"	6'
54	4032"	4032"	12"	6'
55	4320"	4320"	12"	6'
56	4608"	4608"	12"	6'
57	4896"	4896"	12"	6'
58	5184"	5184"	12"	6'
59	5472"	5472"	12"	6'
60	5760"	5760"	12"	6'
61	6048"	6048"	12"	6'
62	6336"	6336"	12"	6'
63	6624"	6624"	12"	6'
64	6912"	6912"	12"	6'
65	7200"	7200"	12"	6'
66	7488"	7488"	12"	6'
67	7776"	7776"	12"	6'
68	8064"	8064"	12"	6'
69	8352"	8352"	12"	6'
70	8640"	8640"	12"	6'
71	8928"	8928"	12"	6'
72	9216"	9216"	12"	6'
73	9504"	9504"	12"	6'
74	9792"	9792"	12"	6'
75	10080"	10080"	12"	6'
76	10368"	10368"	12"	6'
77	10656"	10656"	12"	6'
78	10944"	10944"	12"	6'
79	11232"	11232"	12"	6'
80	11520"	11520"	12"	6'
81	11808"	11808"	12"	6'
82	12096"	12096"	12"	6'
83	12384"	12384"	12"	6'
84	12672"	12672"	12"	6'
85	12960"	12960"	12"	6'
86	13248"	13248"	12"	6'
87	13536"	13536"	12"	6'
88	13824"	13824"	12"	6'
89	14112"	14112"	12"	6'
90	14400"	14400"	12"	6'
91	14688"	14688"	12"	6'
92	14976"	14976"	12"	6'
93	15264"	15264"	12"	6'
94	15552"	15552"	12"	6'
95	15840"	15840"	12"	6'
96	16128"	16128"	12"	6'
97	16416"	16416"	12"	6'
98	16704"	16704"	12"	6'
99	16992"	16992"	12"	6'
100	17280"	17280"	12"	6'

LANDSCAPE DETAILS

PALMER TRINITY SCHOOL
7900 SW 176th ST. PALMETTO BAY, FL. 33157

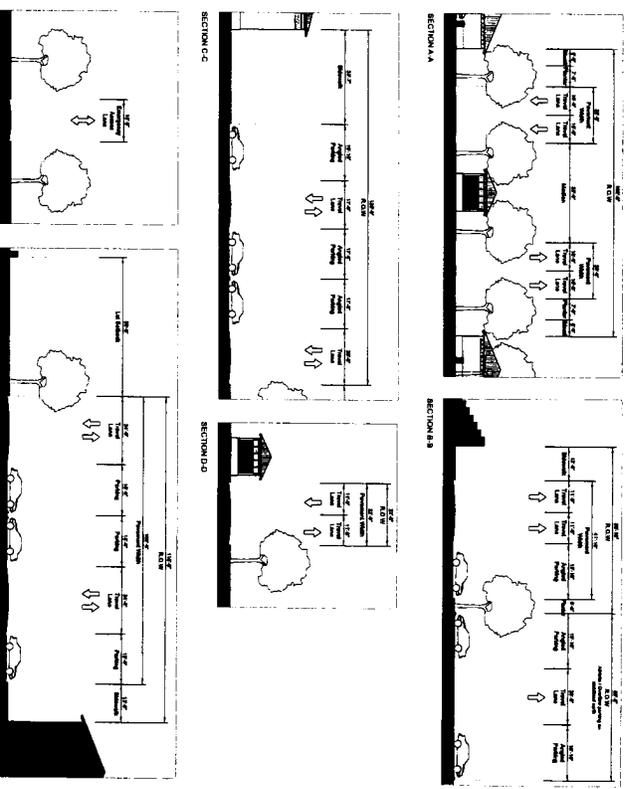
DUANY PLATER-ZYBERK & CO.
ARCHITECTS AND TOWN PLANNERS
1023 SW 25th AVE. MIAMI FL. 33135
P. 305.644.1023 F. 305.644.1021

4-19-2010

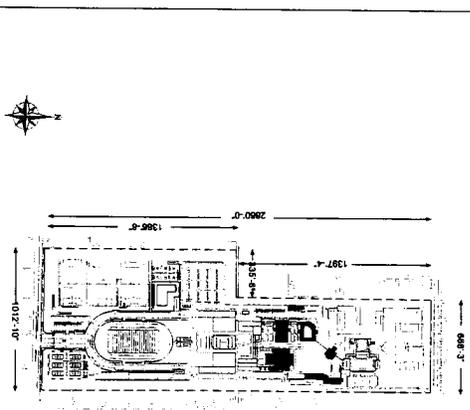
Zoning Legend

Code	Description	Notes
RM-1	Residential Medium Density	...
RM-2	Residential Medium Density	...
RM-3	Residential Medium Density	

PRIVATE STREET SECTIONS



Master Plan Key



Private Street Sections

Zoning Legend

Code	Description	Notes
EU-M	Elementary School	...
...

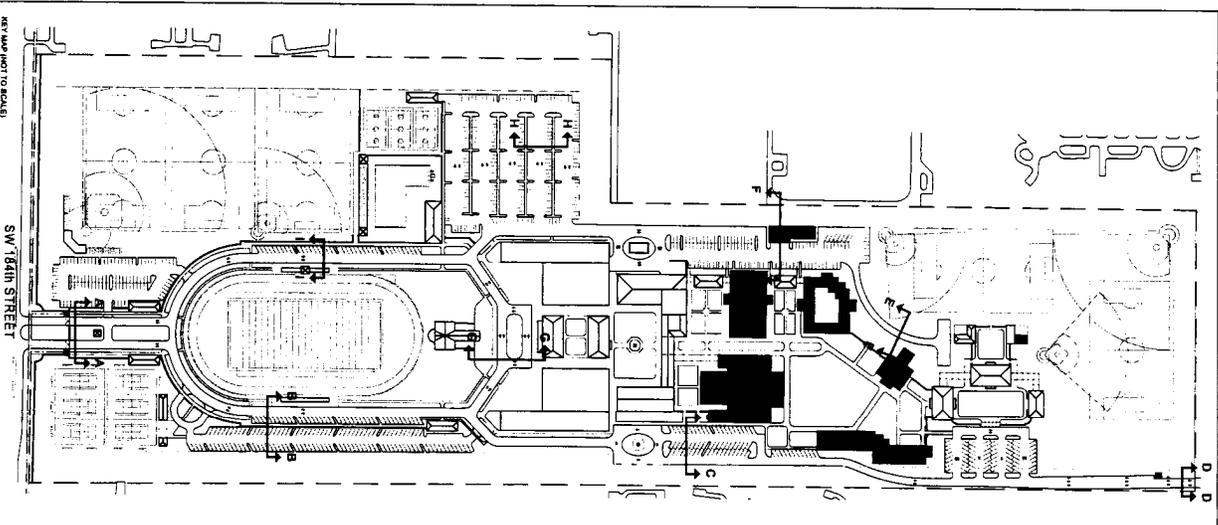
7900 SW 178TH ST. PALMETTO BAY, FL. 33157

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DUANY PLATER-ZYBERK & CO. ARCHITECTS AND TOWN PLANNERS 1023 SW 25TH AVE. MIAMI FL. 33135 P. 305.644.1023 F. 305.644.1021

Prepared By

SHEET 16 4192010

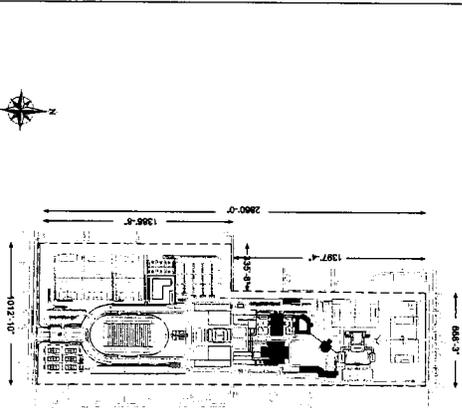


ILLUSTRATIONS

Legend

Master Plan Key

Zoning Legend



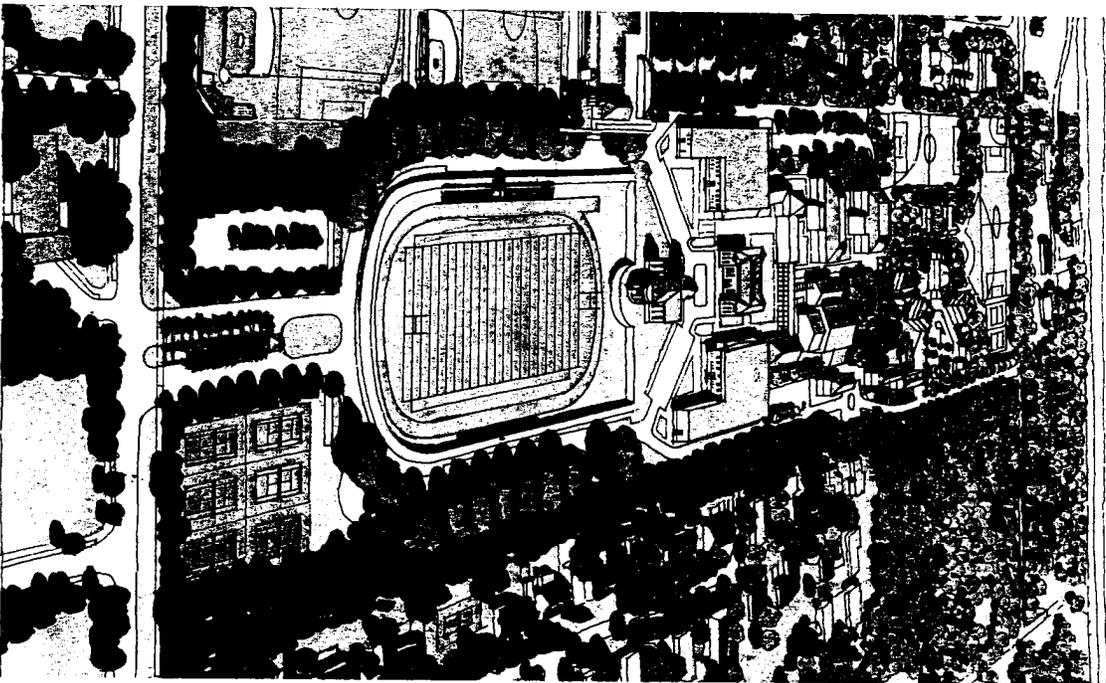
This view is taken at a pedestrian level from the edge of the existing sports field looking south-southwest.



This view is taken at a pedestrian level from the drop-off loading towards the main center and administration building.



The library, media center, and administration buildings are depicted at the center with the drop-off area beyond.



Aerial Perspective of the Palmer Trinity Campus Looking North

Zoning Legend									
<table border="1"> <tr> <th>Code</th> <th>Description</th> </tr> <tr> <td>EU-1M</td> <td>Single-Family Detached, Medium Density</td> </tr> </table>	Code	Description	EU-1M	Single-Family Detached, Medium Density	<table border="1"> <tr> <th>Code</th> <th>Description</th> </tr> <tr> <td>EU-1M</td> <td>Single-Family Detached, Medium Density</td> </tr> </table>	Code	Description	EU-1M	Single-Family Detached, Medium Density
Code	Description								
EU-1M	Single-Family Detached, Medium Density								
Code	Description								
EU-1M	Single-Family Detached, Medium Density								
<table border="1"> <tr> <th>Code</th> <th>Description</th> </tr> <tr> <td>EU-1M</td> <td>Single-Family Detached, Medium Density</td> </tr> </table>	Code	Description	EU-1M	Single-Family Detached, Medium Density	<table border="1"> <tr> <th>Code</th> <th>Description</th> </tr> <tr> <td>EU-1M</td> <td>Single-Family Detached, Medium Density</td> </tr> </table>	Code	Description	EU-1M	Single-Family Detached, Medium Density
Code	Description								
EU-1M	Single-Family Detached, Medium Density								
Code	Description								
EU-1M	Single-Family Detached, Medium Density								

PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO BAY, FL. 33157
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SHEET
17
 4.19.2010

Prepared By

SCHEMATIC ARCHITECTURE

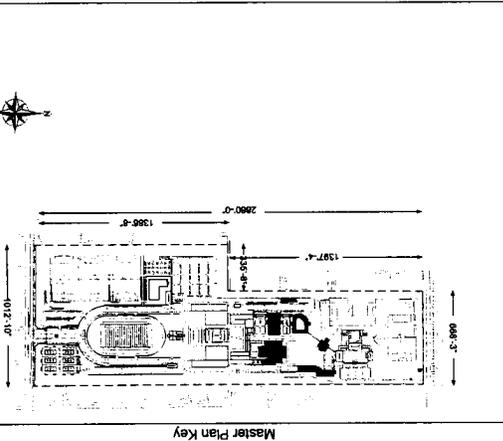
Master Plan Key

Zoning Legend

Prepared By

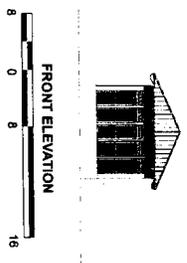
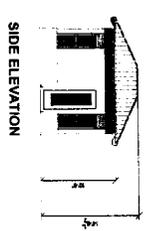
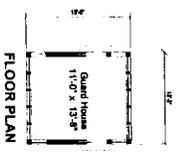
Building Information

Building Number: 8
 Guard House
 Proposed Area: 198 SF
 Ground Floor Area: 198 SF
 Classroom: 0
 Classroom Area: 0
 Number of Rooms: 0
 Height to Top of Roof: 14'-11/2"
 Comments: The plan includes 2 Guard Houses



* All building designs are schematic.
 Project Name: 2000012800

GENERAL NOTES		MATERIALS		FINISHES	
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.	2. FINISHES TO BE DETERMINED BY THE ARCHITECT.	1. EXTERIOR WALLS: CONCRETE BLOCK WITH STUCCO FINISH.	2. INTERIOR WALLS: GYP. BOARD WITH PLASTER FINISH.	1. FLOORING: POLISHED CONCRETE.	2. CEILING: POP WITH JOINTS PAINTED TO MATCH SURROUNDING AREAS.
3. ROOFING: ASBESTOS-FLY ASBESTOS (AF-2) FLAT ROOF.	4. DOORS: 1-1/2" MIN. THICK SOLID CORE.	5. WINDOWS: 1/2" MIN. THICK ALUMINUM FRAME.	6. GLASS: CLEAR GLASS WITH INSULATED GLAZING UNITS (IGU).	7. PAINT: EXTERIOR - FLUOROPOLYMER EMULSION; INTERIOR - VINYL EMULSION.	8. LIGHTING: RECESSED CEILING LIGHTS.



18 SHEET
 4.19.2010

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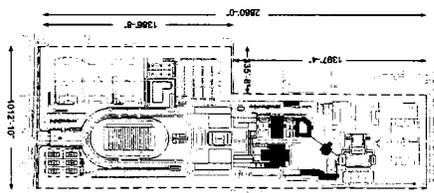
PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO BAY, FL. 33157

SCHEMATIC ARCHITECTURE

Building Information

Building Number: 9-2
 Building Use: Elementary School - Classrooms
 Proposed Area: 9,880 SF
 Ground Area: 12,588 SF
 Classroom Area: 3,816 SF
 Number of Floors: 2
 Height to Eave: 24'-0"
 Height to Top of Foot: 32'-2"
 Comments:

Master Plan Key



*All building designs are schematic.

Design Review File

Phase Name: COMMUNITY

GENERAL NOTES		EQUIPMENT		FINISHES	
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.		1. ALL EQUIPMENT SHALL BE LISTED AND APPROVED BY THE UNDERWRITERS LABORERS BOARD (UL).		1. ALL FINISHES SHALL BE AS SHOWN ON THE FINISH SCHEDULE.	
2. ALL WORK SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECT AND THE LOCAL AGENCIES.		2. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.		2. ALL FINISHES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.	
3. ALL WORK SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECT AND THE LOCAL AGENCIES.		3. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.		3. ALL FINISHES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.	

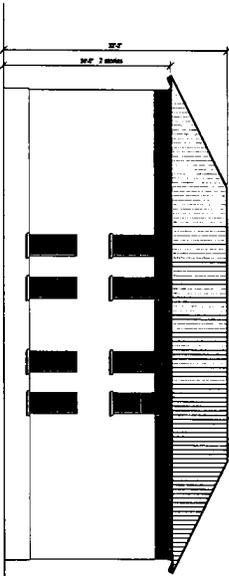
Zoning Legend

PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO BAY, FL 33157

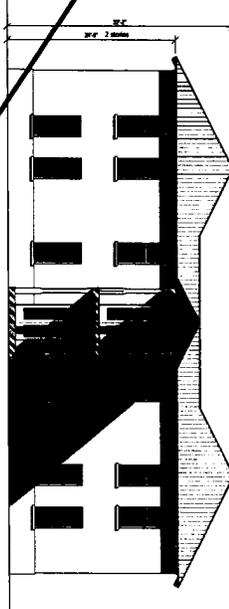
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 ARCHITECTS AND TOWN PLANNERS
 1023 SW 25TH AVE. MIAMI FL. 33136
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 4.19.2010

Prepared by

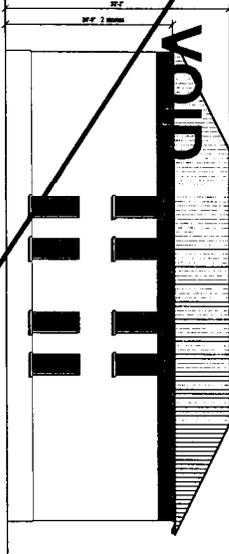
NORTHEAST ELEVATION



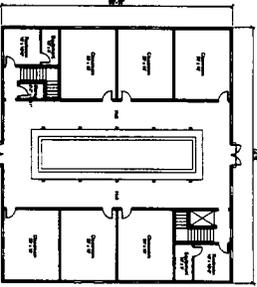
NORTHWEST ELEVATION



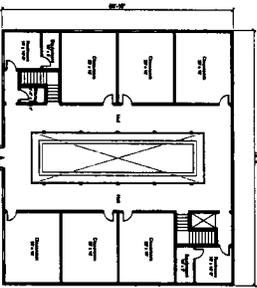
SOUTHWEST ELEVATION



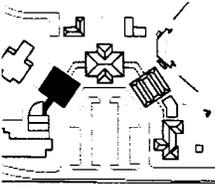
FIRST FLOOR PLAN



SECOND FLOOR PLAN



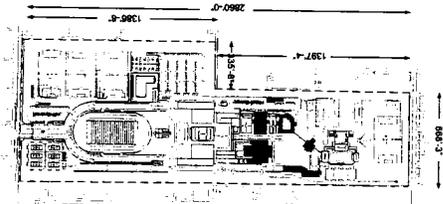
ELEMENTARY SCHOOL KEY



SCHEMATIC ARCHITECTURE

Building Information

Building Number: 94
 Building Use: Elementary School - Classroom
 Proposed Area: 9,580 SF
 Ground Floor Area: 4,586 SF
 Classrooms: 12
 Classrooms: 1,118 SF
 Number of Floors: 2
 Height to Eave: 24'-0"
 Height to Top of Roof: 32'-7"
 Comments:



Master Plan Key

* All building designs are schematic.



Using These Notations:

Project Name: Classroom Building

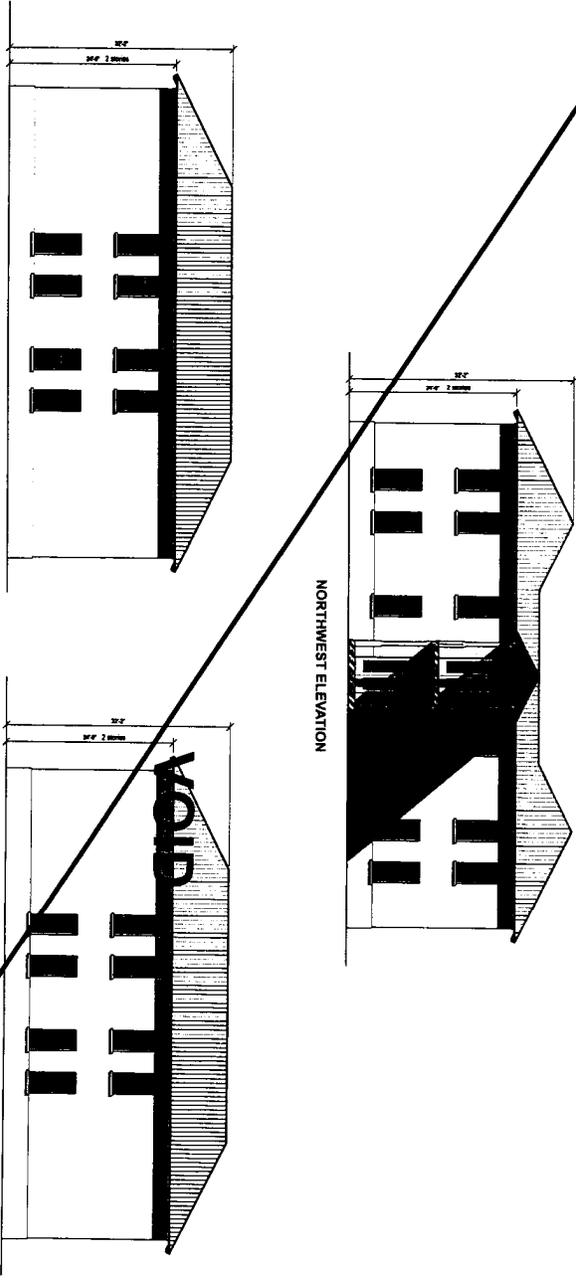
GENERAL NOTES		ZONING LEGEND	
1. ALL DIMENSIONS ARE IN FEET AND INCHES.	2. ALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.	1. RESIDENTIAL SINGLE-FAMILY (RSF)	1. RESIDENTIAL SINGLE-FAMILY (RSF)
3. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	4. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	2. RESIDENTIAL MEDIUM-DENSITY (RMD)	2. RESIDENTIAL MEDIUM-DENSITY (RMD)
5. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	6. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	3. RESIDENTIAL HIGH-DENSITY (RHD)	3. RESIDENTIAL HIGH-DENSITY (RHD)
7. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	8. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	4. COMMERCIAL (C)	4. COMMERCIAL (C)
9. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	10. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	5. INDUSTRIAL (I)	5. INDUSTRIAL (I)
11. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	12. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	6. OFFICE (O)	6. OFFICE (O)
13. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	14. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	7. SCHOOL (S)	7. SCHOOL (S)
15. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	16. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	8. PUBLIC USE (PU)	8. PUBLIC USE (PU)
17. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	18. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	9. PARK (P)	9. PARK (P)
19. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	20. ALL UTILITIES SHALL BE SHOWN AND DEPTH SHALL BE AS SHOWN.	10. OTHER (O)	10. OTHER (O)

Zoning Legend

PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO BAY, FL. 33157

SHEET 22
DUANY PLATER-ZYBERK & CO.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 28TH AVE. MIAMI FL. 33135
 P. 305.644.1023 F. 305.644.1021
 4.19.2010

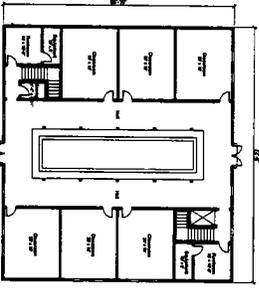
Prepared by



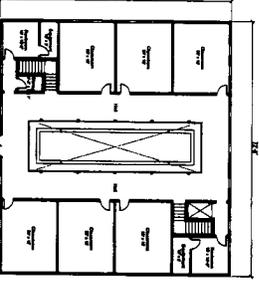
NORTHEAST ELEVATION

NORTHWEST ELEVATION

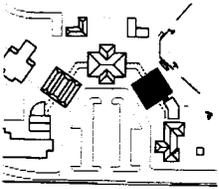
SOUTHWEST ELEVATION



FIRST FLOOR PLAN



SECOND FLOOR PLAN



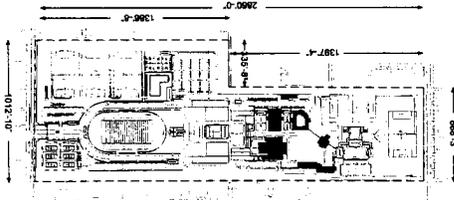
ELEMENTARY SCHOOL KEY



Building Information

Building Number: 95
 Building Use: Elementary School - Daycare Center
 Proposed Area: 4,558 SF
 Ground Floor Area: 4,558 SF
 Classroom Area: 2,754 SF
 Number of Floors: 1
 Height to Eave: 15'-2"
 Height to Top of Roof: 22'-9"
 Comments:

Master Plan Key



* All building designs are schematic.



Project Name: PALM

Project Address: 7900 SW 176th St., Palmetto, FL 33157

GENERAL NOTES	
1. ALL BUILDING DESIGNS ARE SCHEMATIC.	
2. THE ARCHITECT ASSUMES RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.	
3. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.	
4. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.	
5. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.	
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10. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.	

Zoning Legend

Code	Description	Notes
EU-1	Elementary School	
EU-2	Elementary School	
EU-3	Elementary School	
EU-4	Elementary School	
EU-5	Elementary School	
EU-6	Elementary School	
EU-7	Elementary School	
EU-8	Elementary School	
EU-9	Elementary School	
EU-10	Elementary School	

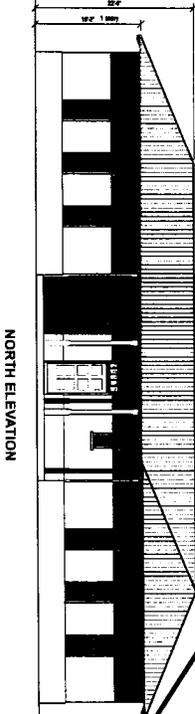
Prepared by

DUANY PLATER-ZYBERK & CO.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 25th Ave, Miami, FL 33135
 P. 305.644.1023 F. 305.644.1021

SHEET 23
 4.19.2010

PALMER TRINITY SCHOOL
 7900 SW 176th St., Palmetto, FL 33157

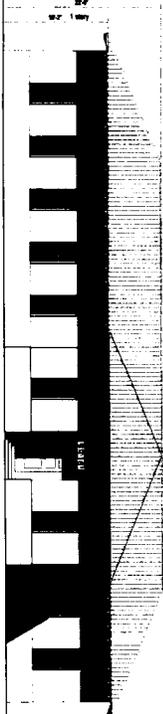
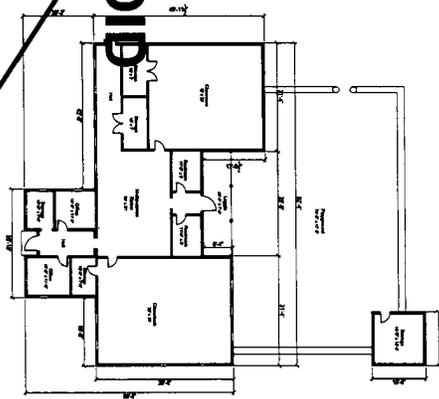
VOID



NORTH ELEVATION



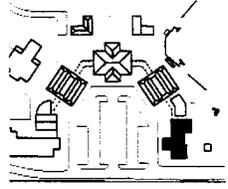
FIRST FLOOR PLAN



SOUTH ELEVATION



ELEMENTARY SCHOOL KEY



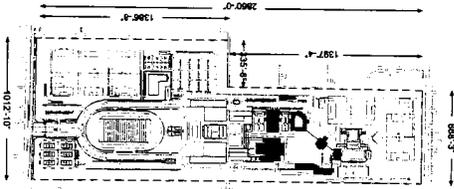
SCHEMATIC ARCHITECTURE

(9.8) CLASSROOM, LIBRARY AND LAB BUILDING

Building Information

Building Number: 9.8
 Building Use: Classroom, Library and Lab Building
 Proposed Area: 9,218 SF
 Ground Classroom: 2,712 SF
 Classroom Area: 2,400 SF
 Number of Floors: 2
 Height to Eave: 26'-10"
 Height to Top of Roof: 35'-0"
 Comments:

Master Plan Key



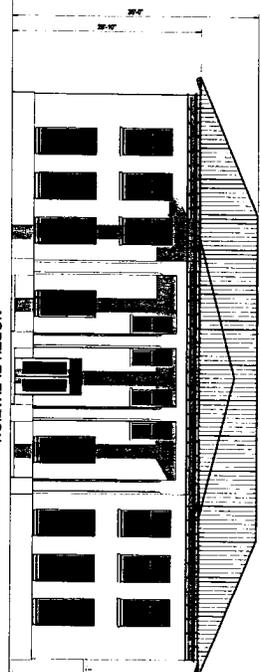
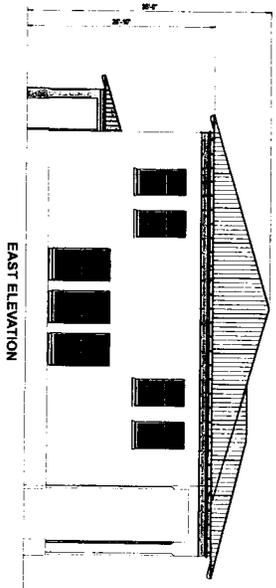
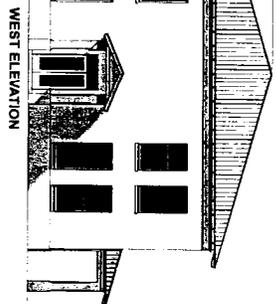
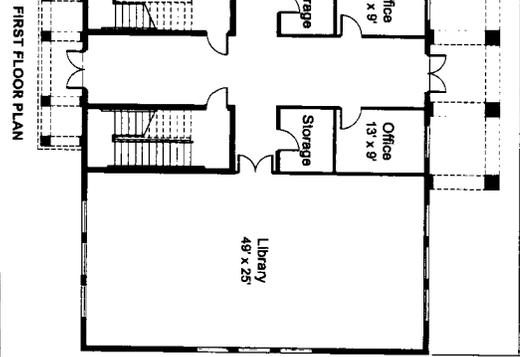
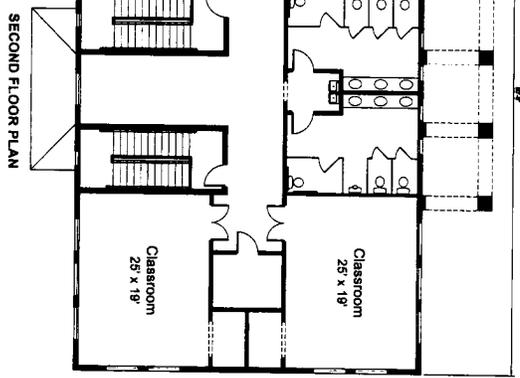
* All building designs are schematic.



Please Refer: 220001 Legend

zoning legend

Symbol	Description	Symbol	Description
(Symbol)	EXISTING BUILDING	(Symbol)	EXISTING DRIVE
(Symbol)	EXISTING DRIVE	(Symbol)	EXISTING SIDEWALK
(Symbol)	EXISTING SIDEWALK	(Symbol)	EXISTING CURB
(Symbol)	EXISTING CURB	(Symbol)	EXISTING LANDSCAPE
(Symbol)	EXISTING LANDSCAPE	(Symbol)	EXISTING UTILITY
(Symbol)	EXISTING UTILITY	(Symbol)	EXISTING FENCE
(Symbol)	EXISTING FENCE	(Symbol)	EXISTING WALL
(Symbol)	EXISTING WALL	(Symbol)	EXISTING DOOR
(Symbol)	EXISTING DOOR	(Symbol)	EXISTING WINDOW
(Symbol)	EXISTING WINDOW	(Symbol)	EXISTING ROOF
(Symbol)	EXISTING ROOF	(Symbol)	EXISTING PORCH
(Symbol)	EXISTING PORCH	(Symbol)	EXISTING STAIR
(Symbol)	EXISTING STAIR	(Symbol)	EXISTING ELEVATOR
(Symbol)	EXISTING ELEVATOR	(Symbol)	EXISTING RAMP
(Symbol)	EXISTING RAMP	(Symbol)	EXISTING SIGN
(Symbol)	EXISTING SIGN	(Symbol)	EXISTING LIGHT
(Symbol)	EXISTING LIGHT	(Symbol)	EXISTING VENT
(Symbol)	EXISTING VENT	(Symbol)	EXISTING MECHANICAL
(Symbol)	EXISTING MECHANICAL	(Symbol)	EXISTING ELECTRICAL
(Symbol)	EXISTING ELECTRICAL	(Symbol)	EXISTING TELEPHONE
(Symbol)	EXISTING TELEPHONE	(Symbol)	EXISTING CABLE
(Symbol)	EXISTING CABLE	(Symbol)	EXISTING FLOOR FINISH
(Symbol)	EXISTING FLOOR FINISH	(Symbol)	EXISTING WALL FINISH
(Symbol)	EXISTING WALL FINISH	(Symbol)	EXISTING CEILING FINISH
(Symbol)	EXISTING CEILING FINISH	(Symbol)	EXISTING PAINT
(Symbol)	EXISTING PAINT	(Symbol)	EXISTING GLASS
(Symbol)	EXISTING GLASS	(Symbol)	EXISTING METAL
(Symbol)	EXISTING METAL	(Symbol)	EXISTING WOOD
(Symbol)	EXISTING WOOD	(Symbol)	EXISTING CONCRETE
(Symbol)	EXISTING CONCRETE	(Symbol)	EXISTING BRICK
(Symbol)	EXISTING BRICK	(Symbol)	EXISTING STONE
(Symbol)	EXISTING STONE	(Symbol)	EXISTING TILE
(Symbol)	EXISTING TILE	(Symbol)	EXISTING CARPET
(Symbol)	EXISTING CARPET	(Symbol)	EXISTING FLOOR COVERING
(Symbol)	EXISTING FLOOR COVERING	(Symbol)	EXISTING WALL COVERING
(Symbol)	EXISTING WALL COVERING	(Symbol)	EXISTING CEILING COVERING
(Symbol)	EXISTING CEILING COVERING	(Symbol)	EXISTING LIGHT FIXTURE
(Symbol)	EXISTING LIGHT FIXTURE	(Symbol)	EXISTING VENTILATION
(Symbol)	EXISTING VENTILATION	(Symbol)	EXISTING MECHANICAL EQUIPMENT
(Symbol)	EXISTING MECHANICAL EQUIPMENT	(Symbol)	EXISTING ELECTRICAL EQUIPMENT
(Symbol)	EXISTING ELECTRICAL EQUIPMENT	(Symbol)	EXISTING TELEPHONE EQUIPMENT
(Symbol)	EXISTING TELEPHONE EQUIPMENT	(Symbol)	EXISTING CABLE EQUIPMENT
(Symbol)	EXISTING CABLE EQUIPMENT	(Symbol)	EXISTING FLOOR FINISH
(Symbol)	EXISTING FLOOR FINISH	(Symbol)	EXISTING WALL FINISH
(Symbol)	EXISTING WALL FINISH	(Symbol)	EXISTING CEILING FINISH
(Symbol)	EXISTING CEILING FINISH	(Symbol)	EXISTING PAINT
(Symbol)	EXISTING PAINT	(Symbol)	EXISTING GLASS
(Symbol)	EXISTING GLASS	(Symbol)	EXISTING METAL
(Symbol)	EXISTING METAL	(Symbol)	EXISTING WOOD
(Symbol)	EXISTING WOOD	(Symbol)	EXISTING CONCRETE
(Symbol)	EXISTING CONCRETE	(Symbol)	EXISTING BRICK
(Symbol)	EXISTING BRICK	(Symbol)	EXISTING STONE
(Symbol)	EXISTING STONE	(Symbol)	EXISTING TILE
(Symbol)	EXISTING TILE	(Symbol)	EXISTING CARPET
(Symbol)	EXISTING CARPET	(Symbol)	EXISTING FLOOR COVERING
(Symbol)	EXISTING FLOOR COVERING	(Symbol)	EXISTING WALL COVERING
(Symbol)	EXISTING WALL COVERING	(Symbol)	EXISTING CEILING COVERING
(Symbol)	EXISTING CEILING COVERING	(Symbol)	EXISTING LIGHT FIXTURE
(Symbol)	EXISTING LIGHT FIXTURE	(Symbol)	EXISTING VENTILATION
(Symbol)	EXISTING VENTILATION	(Symbol)	EXISTING MECHANICAL EQUIPMENT
(Symbol)	EXISTING MECHANICAL EQUIPMENT	(Symbol)	EXISTING ELECTRICAL EQUIPMENT
(Symbol)	EXISTING ELECTRICAL EQUIPMENT	(Symbol)	EXISTING TELEPHONE EQUIPMENT
(Symbol)	EXISTING TELEPHONE EQUIPMENT	(Symbol)	EXISTING CABLE EQUIPMENT



23.3 SHEET
 PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO BAY, FL. 33157
 DUANY PLATER-ZYBERK & CO.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 25TH AVE. MIAMI, FL. 33135
 P. 305.644.1023 F. 305.644.1021
 4/19/2010

Prepared By

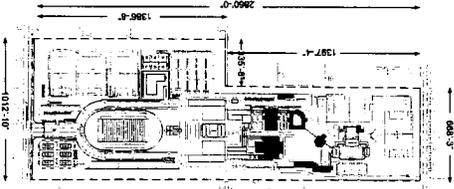
SCHMATIC ARCHITECTURE

(10.1) FIELD STORAGE (ADDITION)

Building Information

10.1
 Building Number: Field Storage (Addition)
 Building Use: 2,524 SF
 Permitted Use: 1,482 SF
 Ground Floor Area: n/a
 Classrooms: n/a
 Classroom Area: n/a
 Number of Floors: 21'-2"
 Height to Eave: 28'-7"
 Height to: Comments:

Master Plan Key



zoning codes and setbacks
 From Board - COMMERCIAL

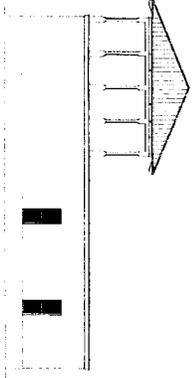
Code	Area	Setback	Height	Other
COMMERCIAL	1,482 SF	5'-0"	25'-0"	
FIELD STORAGE	2,524 SF	5'-0"	25'-0"	

Zoning Legend

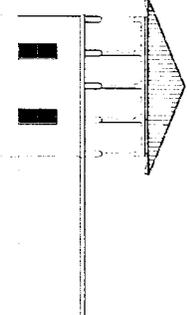
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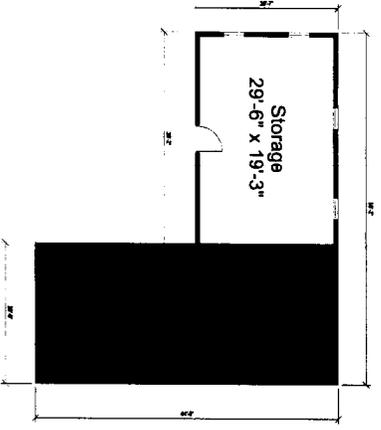
Prepared By



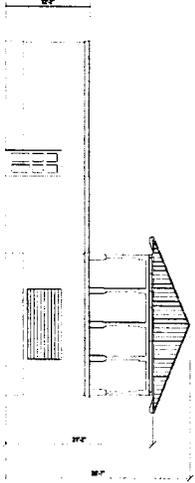
EAST ELEVATION



NORTH ELEVATION



FLOOR PLAN



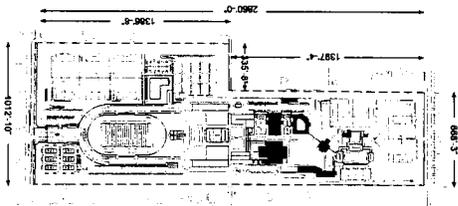
WEST ELEVATION



Building Information

Building Number: 102
 Building Use: Field Storage
 Ground Floor Area: 1,482 SF
 Classroom Area: 746
 Classroom Area: 746
 Number of Floors: 21'-2"
 Height to Base: 28'-7"
 Height to Corners:
 Comments:

Master Plan Key



As building envelope are schematic

Field Storage - 102

Field Storage - 102

Zoning Legend

Code	Description	Notes
EU-MI	Medium Density Residential	...
...

Prepared By

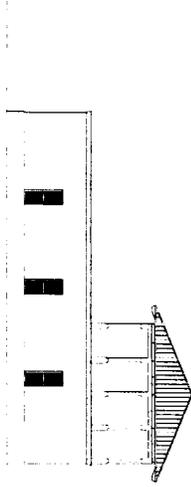
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SHEET

25

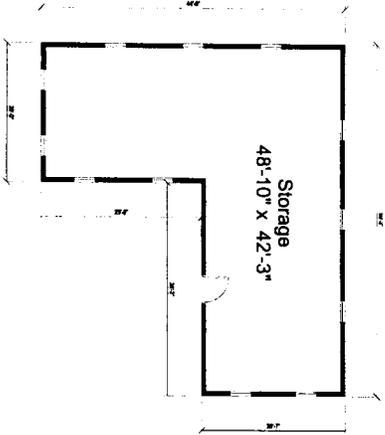
4.19.2010

EAST ELEVATION

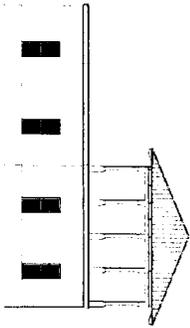


Storage
 48'-10" x 42'-3"

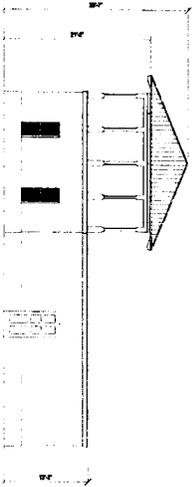
FLOOR PLAN



SOUTH ELEVATION



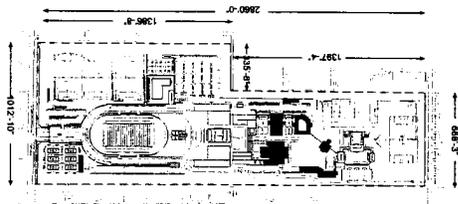
WEST ELEVATION



Building Information

Building Number: 103
 Building Use: Storage
 Proposed Area: 2,475 SF
 Gross Area: 2,475 SF
 Classroom Area: n/a
 Classroom Area: n/a
 Number of Floors: 1
 Height to Eave: 10'-0"
 Height to Top of Roof: 15'-3"
 Comments:

Master Plan Key



*All Building Dimensions are approximate

zoning District: S-10

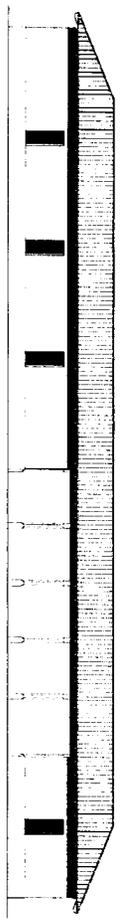
Planned School: 20000 (S-10)

Zoning Legend

Code	Description	Permitted Uses	Conditional Uses	Prohibited Uses
S-10	Single-Family Residential	Single-Family Detached Dwelling, Single-Family Attached Dwelling, Single-Family Accessory Dwelling Unit	None	Multi-Family Dwelling, Commercial, Industrial, Office, Professional Office, Public Use, Religious, Retail, Service, Storage, Warehouse
...



SOUTH ELEVATION



WEST ELEVATION



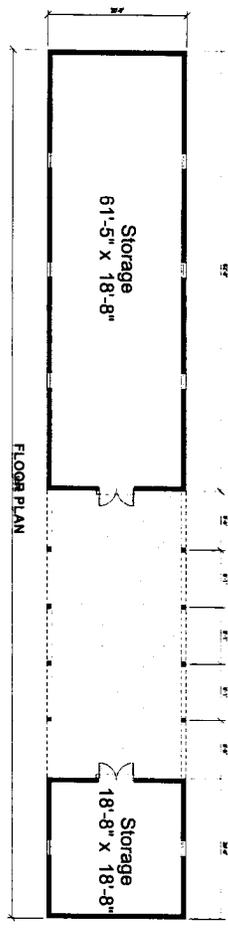
EAST ELEVATION



NORTH ELEVATION



FLOOR PLAN



SHEET 26
 4.18.2010

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PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO BAY, FL. 33157

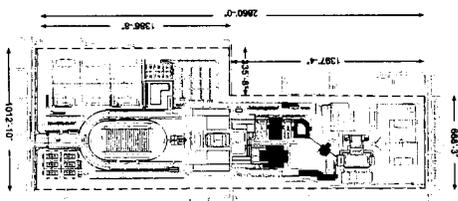
Prepared By

(10.3) FIELD STORAGE

Building Information

Building Number: 10.4
 Building Use: Video Box
 Proposed Area: 360 SF
 Ground Floor Area: 360 SF
 Classroom Area: 0
 Number of Floors: 2
 Height to Eave: 22'-10"
 Height to Top of Foot: 27'-6"
 Comments:

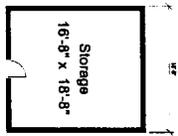
Master Plan Key



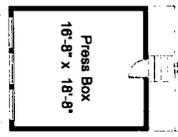
Zoning Legend

Code	Description	Permitted	Conditional	Prohibited
RM-1	Single-Family Residential Medium Density			
RM-2	Single-Family Residential Medium Density			
RM-3	Single-Family Residential Medium Density			
RM-4	Single-Family Residential Medium Density			
RM-5	Single-Family Residential Medium Density			
RM-6	Single-Family Residential Medium Density			
RM-7	Single-Family Residential Medium Density			
RM-8	Single-Family Residential Medium Density			
RM-9	Single-Family Residential Medium Density			
RM-10	Single-Family Residential Medium Density			
RM-11	Single-Family Residential Medium Density			
RM-12	Single-Family Residential Medium Density			
RM-13	Single-Family Residential Medium Density			
RM-14	Single-Family Residential Medium Density			
RM-15	Single-Family Residential Medium Density			
RM-16	Single-Family Residential Medium Density			
RM-17	Single-Family Residential Medium Density			
RM-18	Single-Family Residential Medium Density			
RM-19	Single-Family Residential Medium Density			
RM-20	Single-Family Residential Medium Density			
RM-21	Single-Family Residential Medium Density			
RM-22	Single-Family Residential Medium Density			
RM-23	Single-Family Residential Medium Density			
RM-24	Single-Family Residential Medium Density			
RM-25	Single-Family Residential Medium Density			
RM-26	Single-Family Residential Medium Density			
RM-27	Single-Family Residential Medium Density			
RM-28	Single-Family Residential Medium Density			
RM-29	Single-Family Residential Medium Density			
RM-30	Single-Family Residential Medium Density			
RM-31	Single-Family Residential Medium Density			
RM-32	Single-Family Residential Medium Density			
RM-33	Single-Family Residential Medium Density			
RM-34	Single-Family Residential Medium Density			
RM-35	Single-Family Residential Medium Density			
RM-36	Single-Family Residential Medium Density			
RM-37	Single-Family Residential Medium Density			
RM-38	Single-Family Residential Medium Density			
RM-39	Single-Family Residential Medium Density			
RM-40	Single-Family Residential Medium Density			
RM-41	Single-Family Residential Medium Density			
RM-42	Single-Family Residential Medium Density			
RM-43	Single-Family Residential Medium Density			
RM-44	Single-Family Residential Medium Density			
RM-45	Single-Family Residential Medium Density			
RM-46	Single-Family Residential Medium Density			
RM-47	Single-Family Residential Medium Density			
RM-48	Single-Family Residential Medium Density			
RM-49	Single-Family Residential Medium Density			
RM-50	Single-Family Residential Medium Density			

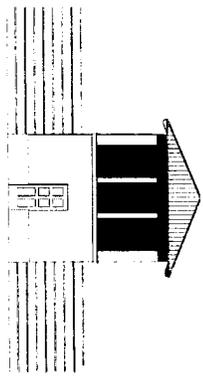
First Floor Plan



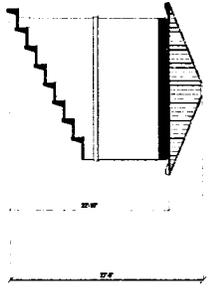
Second Floor Plan



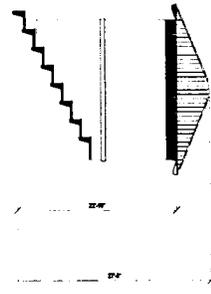
EAST ELEVATION



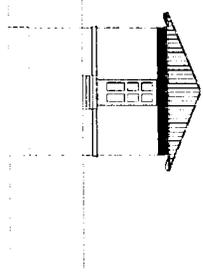
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



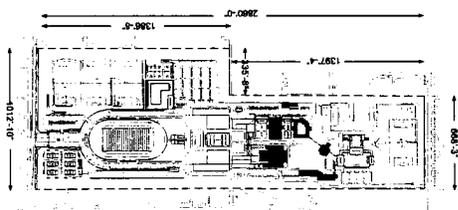
Palmer Trinity School
 7900 SW 176th St. Palmetto Bay, FL 33157

Duany Plater-Zyberk & Co.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 25th Ave, Miami FL 33135
 P. 305.644.1023 F. 305.644.1021

Building Information

Building Number: 10.5
 Building Use: Pool Storage and Bleachers
 Proposed Area: 800 SF
 Ground Floor Area: 800 SF
 Number of Floors: 0
 Classroom Area: 0
 Height to Eave: 14'-0"
 Height to Top of Roof: 18'-5"
 Comments:

Master Plan Key



* All Building drawings are schematic

Zone Map, Zone 518

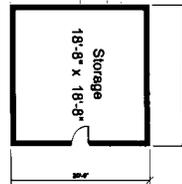
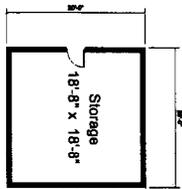
Palmer School - 22800 US HWY 1

GENERAL NOTES		REVISIONS	
1. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.		NO.	DATE
2. ALL MATERIALS AND FINISHES TO BE AS SHOWN ON THE DRAWINGS.			
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.			
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.			
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES.			
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.			
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LABOR AGREEMENTS.			
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRAFFIC CONTROL MEASURES.			
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSTRUCTION SCHEDULES.			
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMMUNITY NOTICES.			
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENVIRONMENTAL ASSESSMENTS.			
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY HISTORIC PRESERVATION STUDIES.			
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ARCHITECTURAL RECORDS.			
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENGINEERING STUDIES.			
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY GEOTECHNICAL STUDIES.			
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SOIL TESTS.			
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY WATER TESTS.			
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AIR TESTS.			
19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY NOISE TESTS.			
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY VIBRATION TESTS.			
21. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LIGHTING STUDIES.			
22. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SOUNDING STUDIES.			
23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY THERMAL STUDIES.			
24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AIR QUALITY STUDIES.			
25. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY WATER QUALITY STUDIES.			
26. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SOIL QUALITY STUDIES.			
27. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AIR QUALITY STUDIES.			
28. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY WATER QUALITY STUDIES.			
29. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SOIL QUALITY STUDIES.			
30. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY AIR QUALITY STUDIES.			

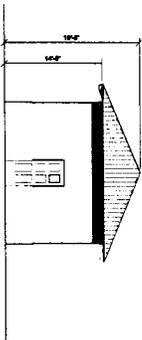
Zoning Legend

Symbol	Description	Notes
[Symbol]	Pool Storage and Bleachers	
[Symbol]	Other Building Use	

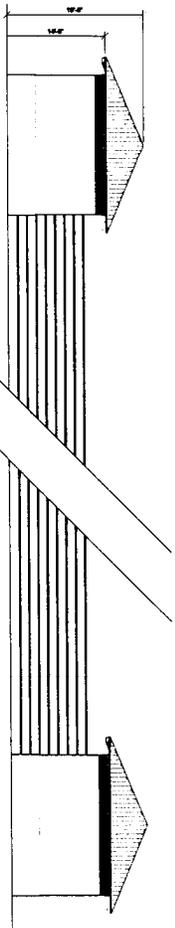
FLOOR PLAN



SIDE ELEVATION



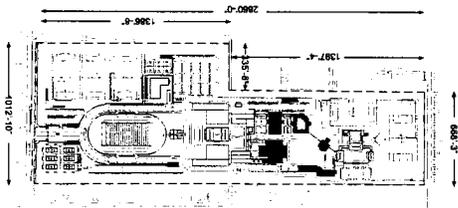
NORTH ELEVATION



Building Information

Building Number: 108
 Building Use: Warehouse - Storage
 Project Area: 1,796 SF
 Ground Floor Area: 1,796 SF
 Classrooms: 0
 Classroom Area: 0
 Number of Floors: 1
 Height of Base: 10'-0"
 Height to Comments: This plan includes 4 of these buildings

Master Plan Key

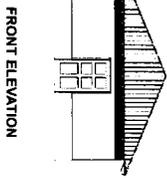


* All building drawings are schematics

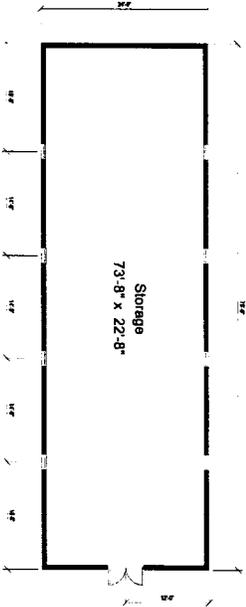
Project Name: PALMER TRINITY SCHOOL

Using Under BSA

GENERAL NOTES		ZONING LEGEND	
1. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.	2. ALL MATERIALS AND FINISHES TO BE AS SHOWN ON THE DRAWINGS.	1. RESIDENTIAL SINGLE-FAMILY (RSF)	1. RESIDENTIAL SINGLE-FAMILY (RSF)
3. ALL UTILITIES TO BE LOCATED AND DEPTH NOTED.	4. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	2. RESIDENTIAL MEDIUM-DENSITY (RMD)	2. RESIDENTIAL MEDIUM-DENSITY (RMD)
5. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	6. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	3. RESIDENTIAL HIGH-DENSITY (RHD)	3. RESIDENTIAL HIGH-DENSITY (RHD)
7. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	8. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	4. COMMERCIAL (C)	4. COMMERCIAL (C)
9. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	10. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	5. INDUSTRIAL (I)	5. INDUSTRIAL (I)
11. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	12. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	6. OFFICE (O)	6. OFFICE (O)
13. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	14. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	7. SCHOOL (S)	7. SCHOOL (S)
15. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	16. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	8. PUBLIC USE (PU)	8. PUBLIC USE (PU)
17. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	18. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	9. MIXED USE (MU)	9. MIXED USE (MU)
19. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	20. ALL EXISTING UTILITIES TO BE MAINTAINED AND PROTECTED.	10. OTHER (O)	10. OTHER (O)



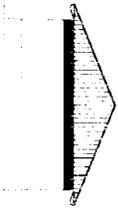
FRONT ELEVATION



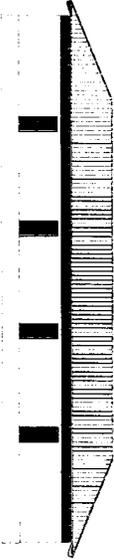
FLOOR PLAN



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



29 SHEET
 DUANY PLATER-ZYBERK & CO.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 25TH AVE. MIAMI FL. 33135
 P. 305 844.1023 F. 305 844.1021
 4.18.2010

PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO BAY, FL. 33157

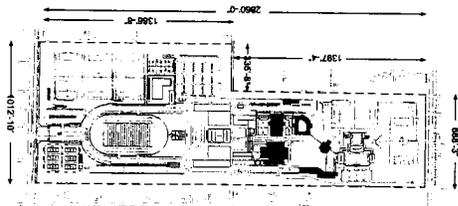
Prepared By

SCHEMATIC ARCHITECTURE

Building Information

Building Number: 11
 Building Use: Faculty Lounge
 Ground Floor Area: 1,567 SF
 Classroom Area: n/a
 Classroom Area: n/a
 Number of Floors: 2
 Height to Eave: 18'-9"
 Height to Corners: 25'-5"

Master Plan Key



* All building designs are schematic

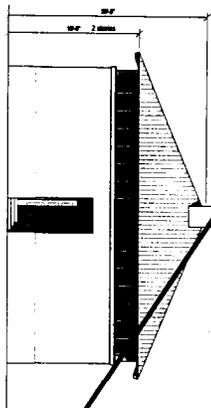
Existing Building: EUM

Proposed Building: 200000110000

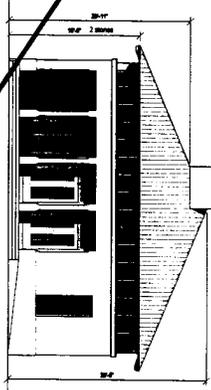
Zoning Legend	
EUM	EXISTING BUILDING
200000110000	PROPOSED BUILDING
11	BUILDING NUMBER
11	BUILDING USE
11	GROUND FLOOR AREA
11	CLASSROOM AREA
11	NUMBER OF FLOORS
11	HEIGHT TO EAVE
11	HEIGHT TO CORNERS

VOID

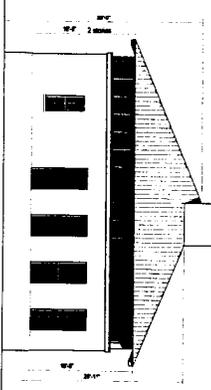
SOUTH ELEVATION



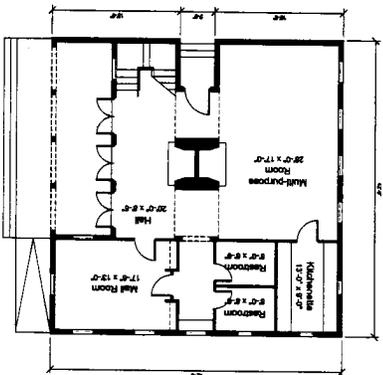
EAST ELEVATION



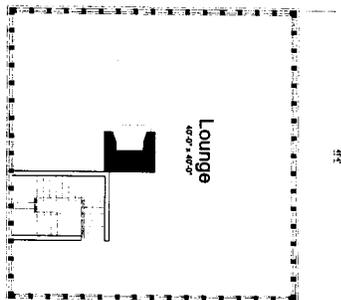
WEST ELEVATION



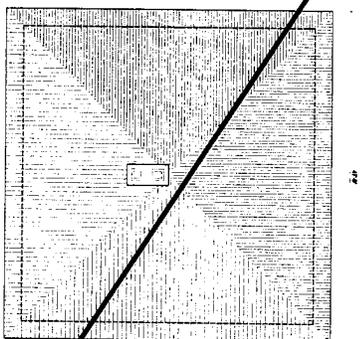
FIRST FLOOR PLAN



SECOND FLOOR PLAN



ROOF PLAN



PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO, FL. 33157

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SCHEMATIC ARCHITECTURE

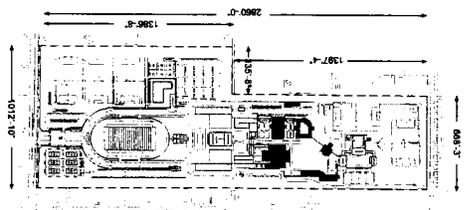
(12) CLASSROOM BUILDING

Building Information

Building Number: 12
 Building Use: Classroom
 Proposed: 12 Classroom
 Ground Floor Area: 3,894 SF
 Classroom Area: 3,894 SF
 Classroom Area: 4,428 SF
 Number of Floors: 2
 Height of Eave: 28'-10"
 Height to Corniche: 35'-0"

Compare 8 Classrooms added to current Middle School class room stock.

Master Plan Key



* All building designs are schematic.

From School Board Meeting

Building Number: 12

DATE	DESCRIPTION	BY	CHKD
12/15/00	REVISED	ELM	

Zoning Legend

SYMBOL	DESCRIPTION	REMARKS
(Symbol)	CLASSROOM BUILDING	
(Symbol)

PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO BLVD., FL. 33157

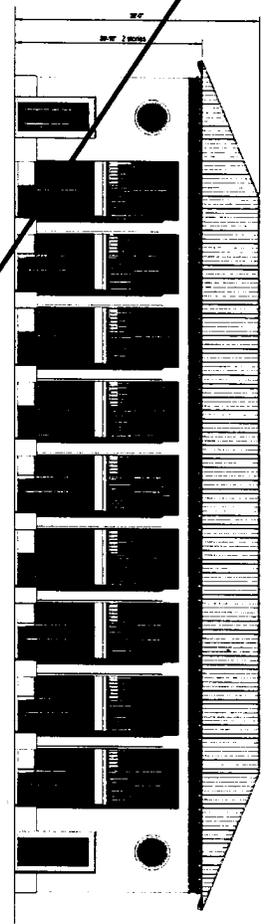
DUANY PLATER-ZYBERK & CO.
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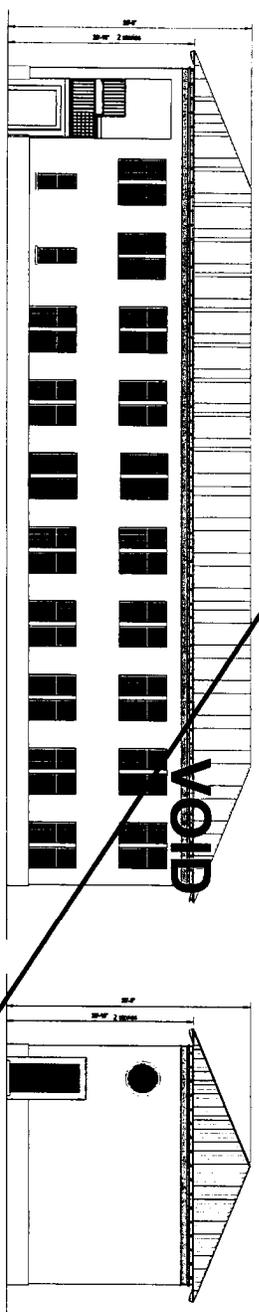
31

SHEET

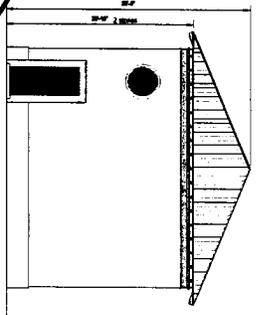
Prepared by



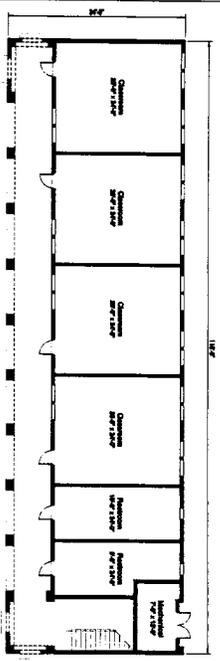
WEST ELEVATION



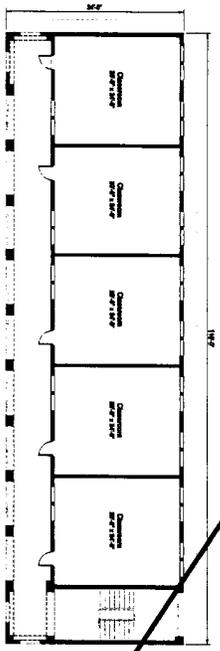
EAST ELEVATION



NORTH ELEVATION



FIRST FLOOR PLAN



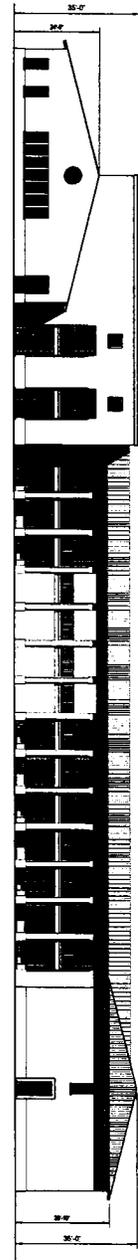
SECOND FLOOR PLAN



Building Information

Building Number: 13, 14, 15
 Building Use: Multiple Use
 Ground Floor Area: 35,740 SF
 Classroom Area: 20
 Classroom Area: 14,428
 Number of Floors: 2
 Height to Eave: 28'-0"
 Height to Corners: 35'-0"

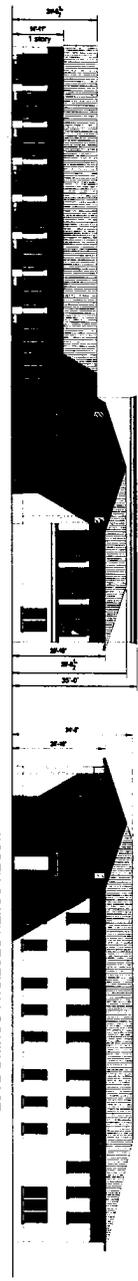
Comments:
 This building is intended to be completed in three phases:
 Bldg. 13: Multiple Use, No classroom
 Bldg. 14: Multiple Grade Level Class
 Bldg. 15: High School Class 12,228 SF



SOUTH ELEVATION

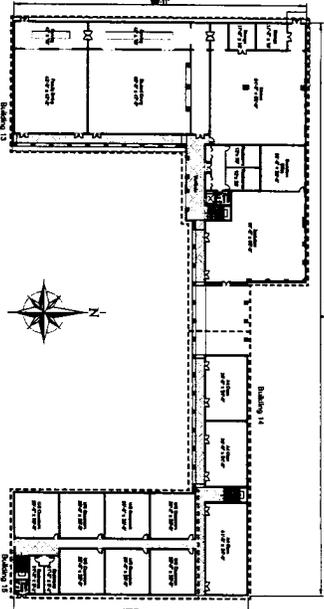


NORTH ELEVATION

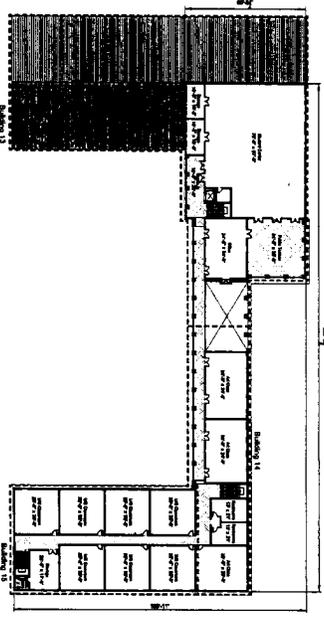


NORTH-SOUTH SECTION LOOKING WEST

NORTH-SOUTH SECTION LOOKING EAST



FIRST FLOOR PLAN



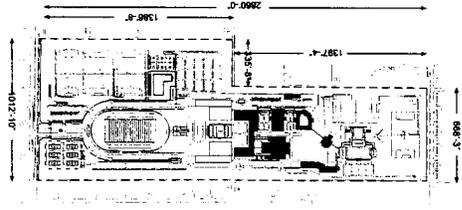
SECOND FLOOR PLAN



* All building designs are schematic.

Project Name: PALMER TRINITY SCHOOL

Zoning Legend	
EU-1M	Medium Density Residential
EU-2M	Medium Density Residential
EU-3M	Medium Density Residential
EU-4M	Medium Density Residential
EU-5M	Medium Density Residential
EU-6M	Medium Density Residential
EU-7M	Medium Density Residential
EU-8M	Medium Density Residential
EU-9M	Medium Density Residential
EU-10M	Medium Density Residential
EU-11M	Medium Density Residential
EU-12M	Medium Density Residential
EU-13M	Medium Density Residential
EU-14M	Medium Density Residential
EU-15M	Medium Density Residential
EU-16M	Medium Density Residential
EU-17M	Medium Density Residential
EU-18M	Medium Density Residential
EU-19M	Medium Density Residential
EU-20M	Medium Density Residential
EU-21M	Medium Density Residential
EU-22M	Medium Density Residential
EU-23M	Medium Density Residential
EU-24M	Medium Density Residential
EU-25M	Medium Density Residential
EU-26M	Medium Density Residential
EU-27M	Medium Density Residential
EU-28M	Medium Density Residential
EU-29M	Medium Density Residential
EU-30M	Medium Density Residential
EU-31M	Medium Density Residential
EU-32M	Medium Density Residential
EU-33M	Medium Density Residential
EU-34M	Medium Density Residential
EU-35M	Medium Density Residential
EU-36M	Medium Density Residential
EU-37M	Medium Density Residential
EU-38M	Medium Density Residential
EU-39M	Medium Density Residential
EU-40M	Medium Density Residential
EU-41M	Medium Density Residential
EU-42M	Medium Density Residential
EU-43M	Medium Density Residential
EU-44M	Medium Density Residential
EU-45M	Medium Density Residential
EU-46M	Medium Density Residential
EU-47M	Medium Density Residential
EU-48M	Medium Density Residential
EU-49M	Medium Density Residential
EU-50M	Medium Density Residential



Master Plan Key

7900 SW 176TH ST. PALMETTO BAY, FL. 33157

PALMER TRINITY SCHOOL

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32

4.19.2010

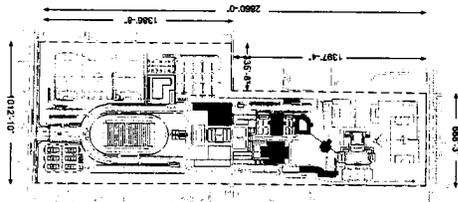
Prepared By

SCHEMATIC ARCHITECTURE

Building Information

Building Number: 18
 Building Use: Gymnasium
 Ground Floor Area: 26,231 SF
 Classroom Area: 3
 Classroom Area: 4,500
 Number of Floors: 2
 Height to Base: 32'-8"
 Height to Corners: 32'-8"
 Comments:

Master Plan Key



* All building dimensions are approximate.

Building Number: 18

Project Name: GYMNASIUM



GENERAL NOTES	
1. ALL DIMENSIONS ARE APPROXIMATE.	
2. REFER TO ALL SHEETS FOR COMPLETE INFORMATION.	
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.	
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.	
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.	
6. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.	
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.	
8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.	
9. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.	
10. ALL CHANGES MUST BE APPROVED BY THE ARCHITECT IN WRITING.	

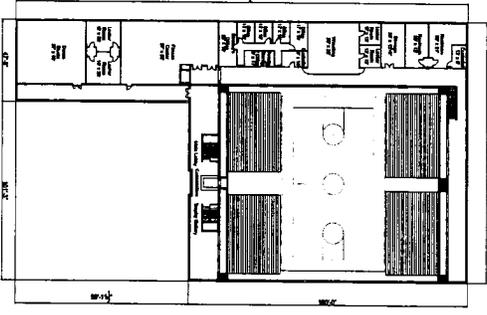
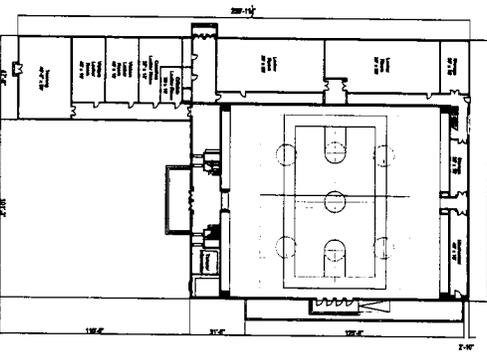
Zoning Legend

SYMBOL	DESCRIPTION	REMARKS
[Symbol]	ELIM	EXISTING LOT IMPROVEMENTS
[Symbol]	NEW	NEW CONSTRUCTION
[Symbol]	DEM	DEMOLITION
[Symbol]	CON	CONCRETE
[Symbol]	ST	STEEL
[Symbol]	BR	BRICK
[Symbol]	CMU	CONCRETE MASONRY UNIT
[Symbol]	GL	GLASS
[Symbol]	SI	SINGLE STORY
[Symbol]	TS	TWO STORY
[Symbol]	TH	THREE STORY
[Symbol]	FOUR	FOUR STORY
[Symbol]	SI	SINGLE
[Symbol]	TS	TWO
[Symbol]	TH	THREE
[Symbol]	FOUR	FOUR

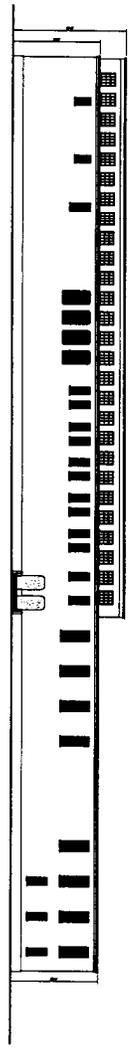
PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO BAY, FL. 33157

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 4.19.2010

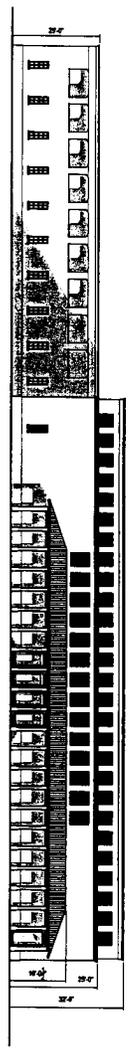
Prepared By



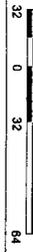
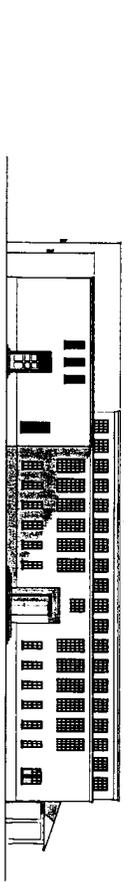
WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



FIRST FLOOR PLAN

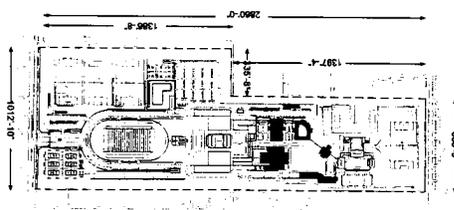
SECOND FLOOR PLAN

SCHEMATIC ARCHITECTURE

Building Information

Building Number: 17
 Building Use: Library / Media Center
 Proposed Area: 34,848 SF
 Gross Area: 4,894 SF
 Classroom: 4
 Classroom Area: 2,580 SF
 Number of Floors: 3
 Height to Eave: 35'-0"
 Height to Corners: 45'-0"
 Corners:

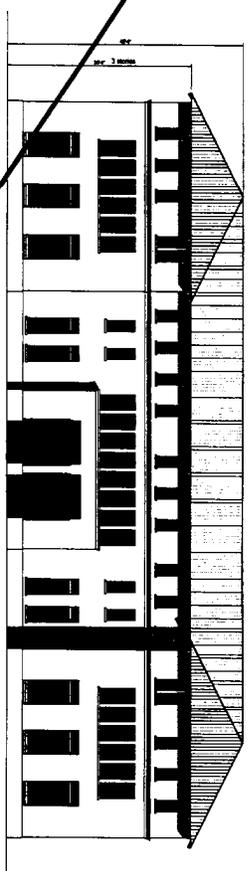
This building functions as the main library, media center with advanced technology classroom, and central administration for the school as a whole.



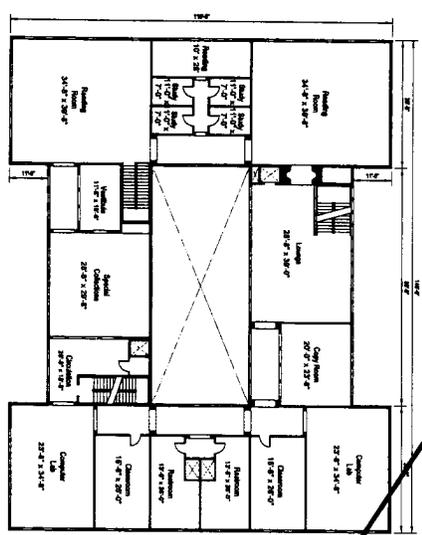
* All building designs per schematics.

Notes: School: Duany URBAN

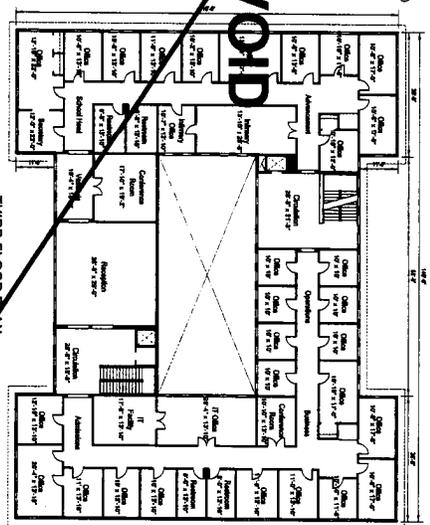
Building Details		Zoning Legend	
Project Name	Palmer Trinity School	Project Name	Palmer Trinity School
Address	7900 SW 178th St, Palmetto Bay, FL 33157	Project No.	17
Client	Duany Plater Zyberk & Co. Architects and Town Planners	Scale	1/8" = 1'-0"
Architect	Duany Plater Zyberk & Co.	Date	1/19/2010
Project No.	17	Drawn By	EU/M
Scale	1/8" = 1'-0"	Checked By	
Date	1/19/2010	Approved By	
Drawn By	EU/M	Project Manager	
Checked By		Project Engineer	
Approved By		Project Architect	
Project Manager		Project Engineer	
Project Engineer		Project Architect	
Project Architect			



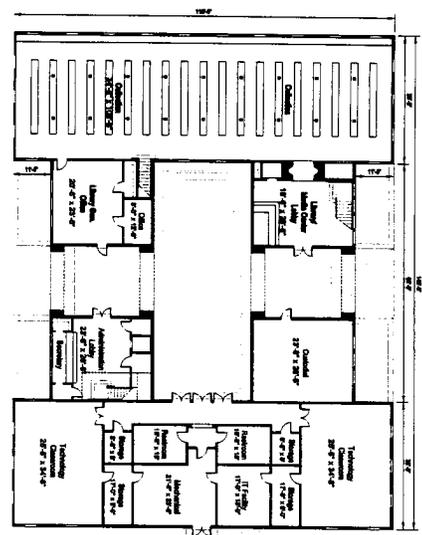
SOUTH ELEVATION



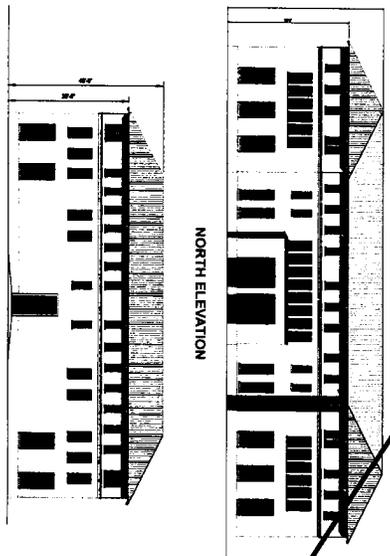
SECOND FLOOR PLAN



THIRD FLOOR PLAN



FIRST FLOOR PLAN



NORTH ELEVATION

EAST ELEVATION



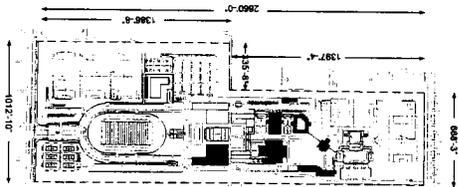
Prepared By
 SHEET 34
 4.19.2010
 PALMER TRINITY SCHOOL
 7900 SW 178th ST. PALMETTO BAY, FL. 33157
 DUANY PLATER ZYBERK & CO.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 25th AVE. MIAMI FL. 33135
 P. 305.644.1023 F. 305.644.1021

SCHEMATIC ARCHITECTURE

Building Information

Building Number: 18
 Building Use: Performing Arts
 Proposed Area: 47,231 SF
 Gross Building Area: 97,013 SF
 Classroom Area: 2,194 SF
 Number of Floors: 2
 Height to Eave: 30'-4"
 Height to Top of Roof: 30'-4"
 Commission:

Master Plan Key



* All building designs are schematic

Prepared by: [Name]

Scale: 1/8" = 1'-0"

GENERAL NOTES		REVISIONS	
1. ALL BUILDING DESIGNS ARE SCHEMATIC.		NO.	DATE
2. THE ARCHITECT ASSUMES RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED.			
3. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED.			
4. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED.			
5. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED.			
6. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED.			
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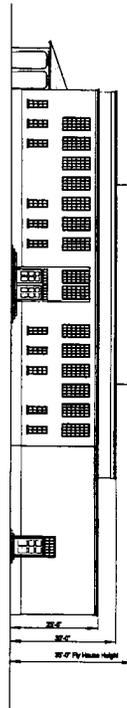
Zoning Legend

PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO BAY, FL. 33157

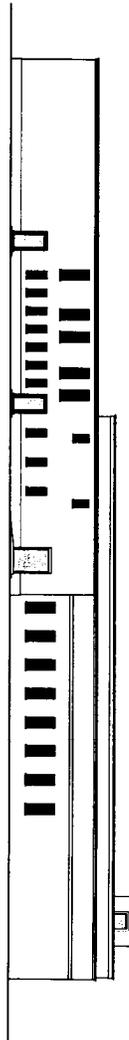
DUANY PLATER-ZYBERK & CO.
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Prepared By

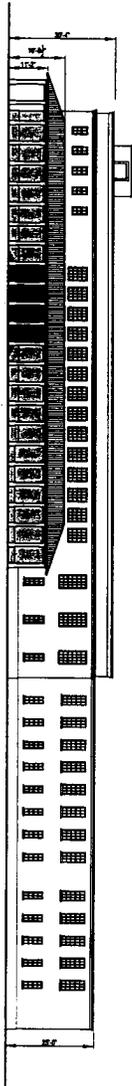
SHEET
35
 4/19/2010



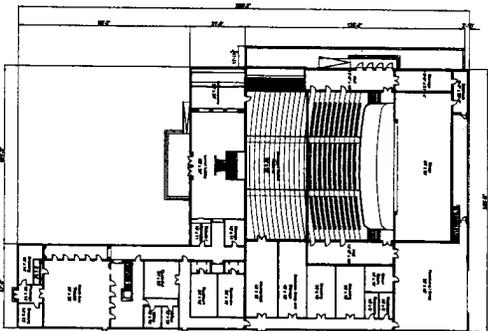
SOUTH ELEVATION



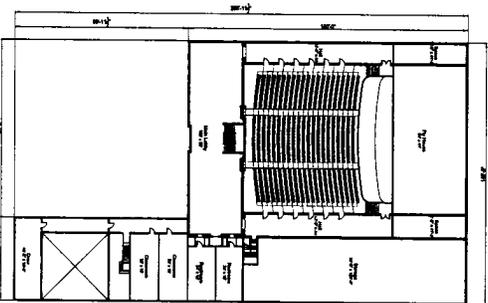
EAST ELEVATION



WEST ELEVATION



FIRST FLOOR PLAN



SECOND FLOOR PLAN

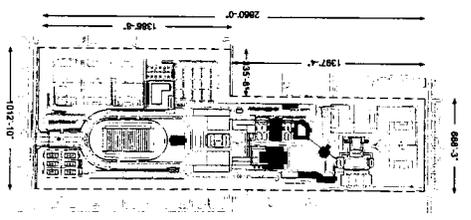


SCHEMATIC ARCHITECTURE

Building Information

Building Number: 18
 Building Use: Chapel
 Proposed Area: 5,477 SF
 Governing Code: 07/17 SF
 Classrooms: 0
 Classroom Area: 0
 Number of Floors: 1
 Height to Eave: 18'-6"
 Height to Top of Wall: 28'-0"
 Comments:

Master Plan Key



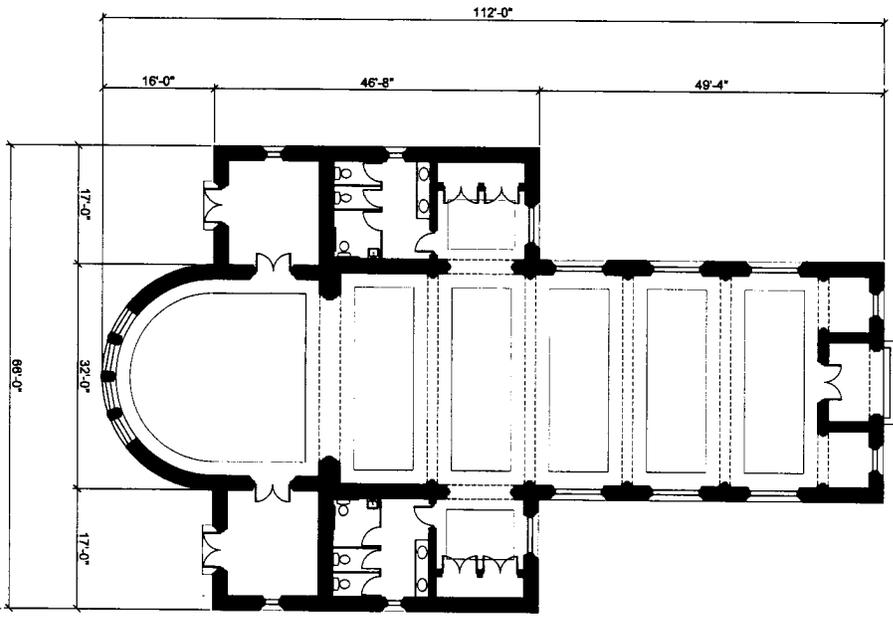
* All building designs are schematic.

Building Details		Project Information	
Project Name	Palmer Trinity School	Client	Palmer Trinity School
Address	7900 SW 176th St, Palmetto Bay, FL 33157	Architect	Duany Plater-Zyberk & Co.
Phase	Schematic Design	Date	10/12/10
Scale	1/8" = 1'-0"	Sheet	36
Author	J. Duany	Checker	J. Duany
Designer	J. Duany	Project Manager	J. Duany
Engineer	J. Duany	Architectural Consultant	J. Duany
Interior Designer	J. Duany	Structural Consultant	J. Duany
MEP Engineer	J. Duany	Electrical Consultant	J. Duany
Plumbing Engineer	J. Duany	Mechanical Consultant	J. Duany
Structural Engineer	J. Duany	Other Consultant	J. Duany

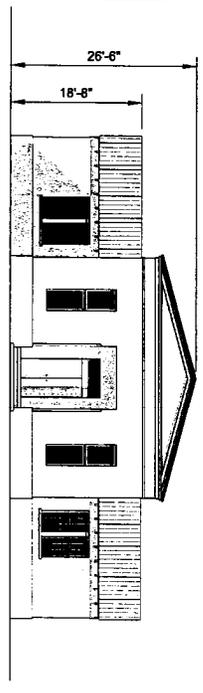
Zoning Legend

Code	Description
EU-M	Medium Density Residential

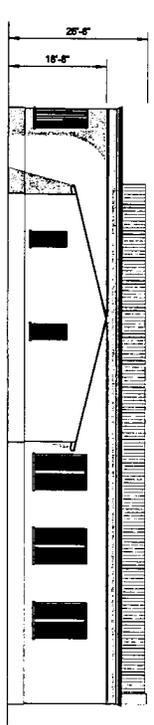
FIRST FLOOR PLAN



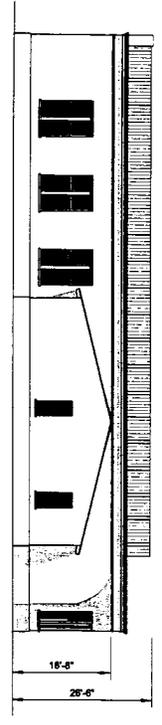
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



36 SHEET
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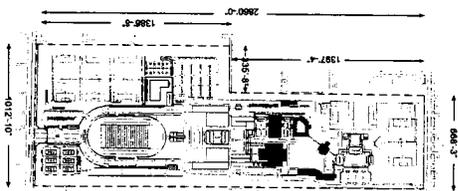
Prepared By
 (19) CHAPEL

PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO BAY, FL. 33157

Building Information

Building Number: 20
 Building Use: Service Building
 Proposed Area: 3,000 SF
 Gross Area: 3,000 SF
 Classroom: 0/0
 Classroom Area: 0/0
 Number of Floors: 1
 Height to Eave: 14'-2"
 Height to Top of Roof: 25'-8"
 Comments:

Master Plan Key



* All building designs are schematic.

Please Refer: 202000 202000

Using: 202000 202000

GENERAL NOTES		EJLB	
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.		1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.	
2. FINISH FLOOR IS 4'-0" ABOVE FINISH GRADE UNLESS NOTED OTHERWISE.		2. FINISH FLOOR IS 4'-0" ABOVE FINISH GRADE UNLESS NOTED OTHERWISE.	
3. ALL WALLS ARE TO BE CONCRETE BLOCK UNLESS NOTED OTHERWISE.		3. ALL WALLS ARE TO BE CONCRETE BLOCK UNLESS NOTED OTHERWISE.	
4. ROOF IS TO BE 12" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.		4. ROOF IS TO BE 12" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.	
5. ALL FLOORS ARE TO BE 4" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.		5. ALL FLOORS ARE TO BE 4" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.	
6. ALL CEILING ARE TO BE 12" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.		6. ALL CEILING ARE TO BE 12" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.	
7. ALL EXTERIOR WALLS ARE TO BE 12" THICK CONCRETE BLOCK UNLESS NOTED OTHERWISE.		7. ALL EXTERIOR WALLS ARE TO BE 12" THICK CONCRETE BLOCK UNLESS NOTED OTHERWISE.	
8. ALL INTERIOR WALLS ARE TO BE 8" THICK CONCRETE BLOCK UNLESS NOTED OTHERWISE.		8. ALL INTERIOR WALLS ARE TO BE 8" THICK CONCRETE BLOCK UNLESS NOTED OTHERWISE.	
9. ALL DOORS ARE TO BE 36" WIDE UNLESS NOTED OTHERWISE.		9. ALL DOORS ARE TO BE 36" WIDE UNLESS NOTED OTHERWISE.	
10. ALL WINDOWS ARE TO BE 48" WIDE UNLESS NOTED OTHERWISE.		10. ALL WINDOWS ARE TO BE 48" WIDE UNLESS NOTED OTHERWISE.	
11. ALL ROOFING IS TO BE 2" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.		11. ALL ROOFING IS TO BE 2" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.	
12. ALL FLOORING IS TO BE 4" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.		12. ALL FLOORING IS TO BE 4" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.	
13. ALL CEILING ARE TO BE 12" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.		13. ALL CEILING ARE TO BE 12" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.	
14. ALL EXTERIOR WALLS ARE TO BE 12" THICK CONCRETE BLOCK UNLESS NOTED OTHERWISE.		14. ALL EXTERIOR WALLS ARE TO BE 12" THICK CONCRETE BLOCK UNLESS NOTED OTHERWISE.	
15. ALL INTERIOR WALLS ARE TO BE 8" THICK CONCRETE BLOCK UNLESS NOTED OTHERWISE.		15. ALL INTERIOR WALLS ARE TO BE 8" THICK CONCRETE BLOCK UNLESS NOTED OTHERWISE.	
16. ALL DOORS ARE TO BE 36" WIDE UNLESS NOTED OTHERWISE.		16. ALL DOORS ARE TO BE 36" WIDE UNLESS NOTED OTHERWISE.	
17. ALL WINDOWS ARE TO BE 48" WIDE UNLESS NOTED OTHERWISE.		17. ALL WINDOWS ARE TO BE 48" WIDE UNLESS NOTED OTHERWISE.	
18. ALL ROOFING IS TO BE 2" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.		18. ALL ROOFING IS TO BE 2" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.	
19. ALL FLOORING IS TO BE 4" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.		19. ALL FLOORING IS TO BE 4" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.	
20. ALL CEILING ARE TO BE 12" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.		20. ALL CEILING ARE TO BE 12" THICK CONCRETE SLAB ON TOP OF 12" THICK CONCRETE BEAMS UNLESS NOTED OTHERWISE.	

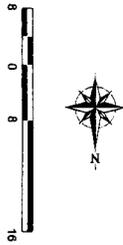
Zoning Legend

PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO, FL. 33157

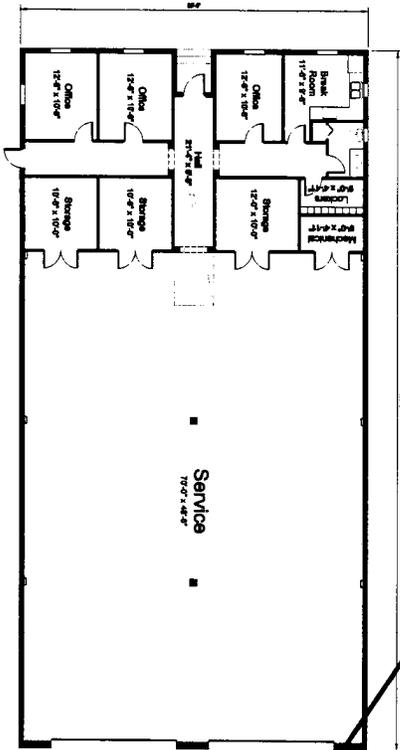
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 4/19/2010

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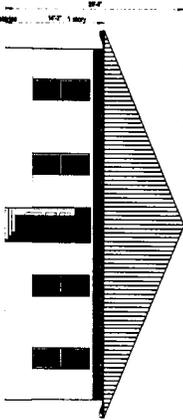
SHEET
37



FLOOR PLAN



SOUTH ELEVATION



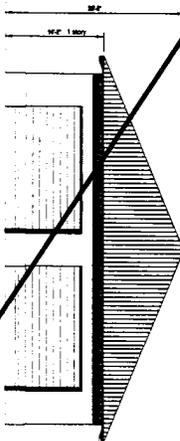
EAST ELEVATION



WEST ELEVATION



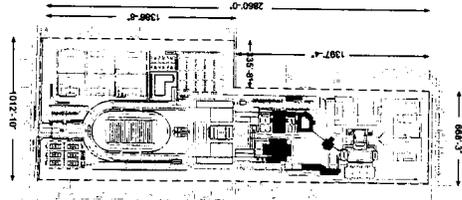
NORTH ELEVATION



Building Information

Building Number: 33
 Building Use: Classroom Building
 Proposed Area: 3,130 SF
 Ground Floor Area: 1,613 SF
 Classroom Area: 1,968 SF
 Number of Floors: 2
 Height to Eave: 28'-10"
 Height to Top of Roof: 35'-0"

Master Plan Key



* All building designs are schematic.

Final School: General Building

Final School: RM

GENERAL NOTES		EUM	
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.		1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.	
2. FINISHES TO BE DETERMINED BY ARCHITECT.		2. FINISHES TO BE DETERMINED BY ARCHITECT.	
3. MATERIALS TO BE DETERMINED BY ARCHITECT.		3. MATERIALS TO BE DETERMINED BY ARCHITECT.	
4. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.		4. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.	
5. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.		5. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.	
6. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.		6. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.	
7. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.		7. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.	
8. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.		8. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.	
9. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.		9. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.	
10. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.		10. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.	

Zoning Legend

Prepared By

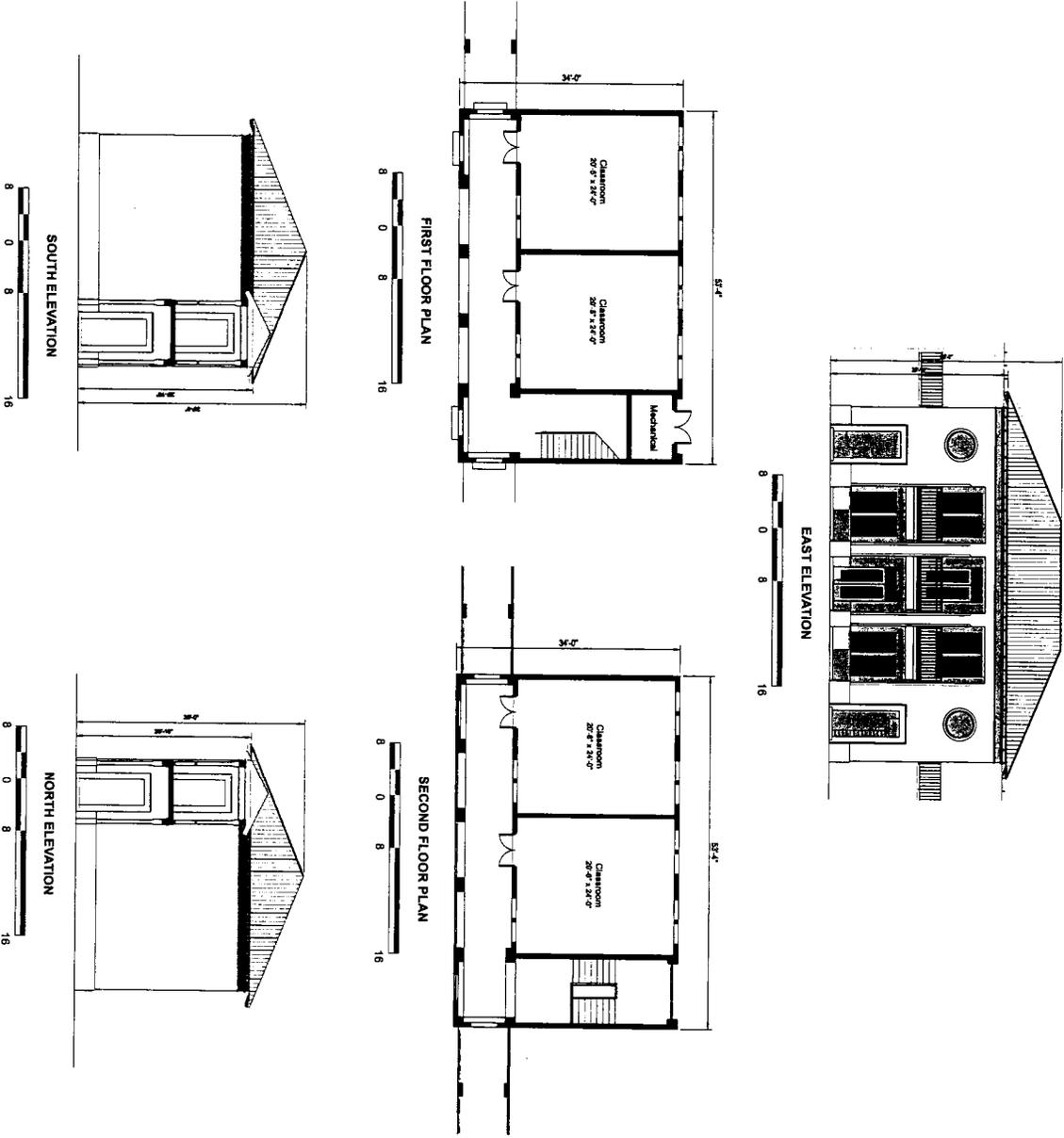
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38.1

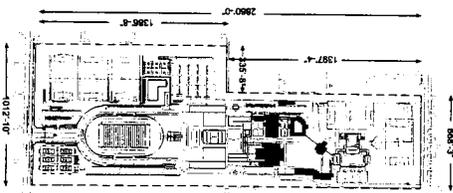
SHEET



Building Information

Building Number: 34
 Building Use: Classroom Building
 Proposed Area: 4,010 SF
 Ground Floor Area: 2,772 SF
 Classroom Area: 2,400 SF
 Number of Floors: 2
 Height to Eave: 26'-10"
 Height to Top of Roof: 35'-0"
 Orientation:

Master Plan Key



* All building designs are schematic.

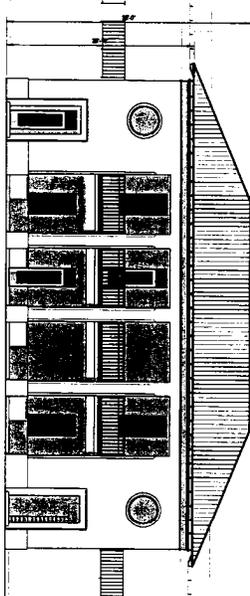
Scale: 1/8" = 1'-0"

Project Name: Classroom Building

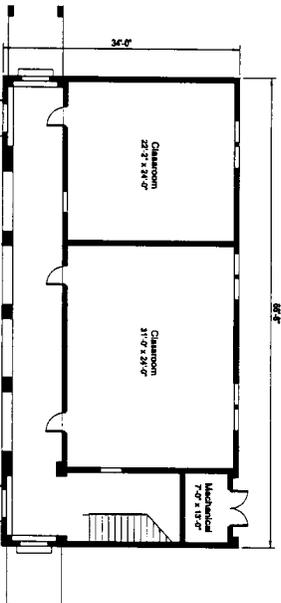
GENERAL NOTES		REVISIONS	
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.		NO.	DATE
2. FINISHES TO BE DETERMINED BY THE ARCHITECT.			
3. REFER TO SPECIFICATIONS FOR MATERIALS AND METHODS.			
4. VERIFY ALL CONDITIONS AND CONDITIONS BEFORE CONSTRUCTION.			
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.			
6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.			
7. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.			
8. THE CONTRACTOR SHALL MAINTAIN PROPER DRAINAGE AND EROSION CONTROL.			
9. THE CONTRACTOR SHALL MAINTAIN PROPER SAFETY AND SECURITY AT ALL TIMES.			
10. THE CONTRACTOR SHALL MAINTAIN PROPER RECORDS AND DOCUMENTATION.			

Zoning Legend

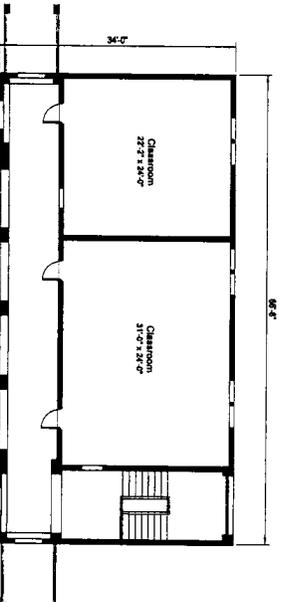
SYMBOL	DESCRIPTION	APPLICABLE TO
ELM	Elementary School	Classroom Building



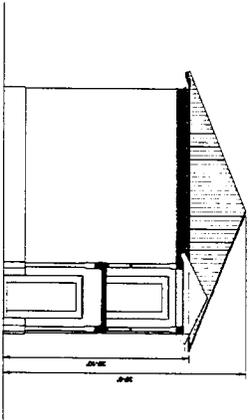
EAST ELEVATION



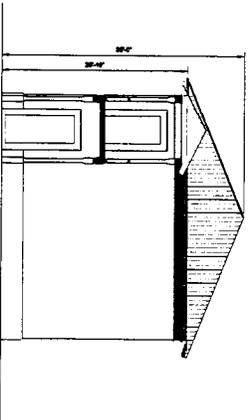
FIRST FLOOR PLAN



SECOND FLOOR PLAN



SOUTH ELEVATION



NORTH ELEVATION

PALMER TRINITY SCHOOL

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4/19/2010

38.2

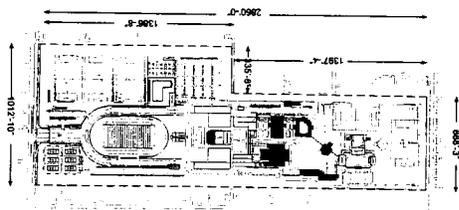
SHEET

Prepared By

Building Information

Building Number: 35
 Building Use: Library and Administration
 Proposed Area: 8,000 SF
 Ground Floor Area: 5,000 SF
 Classrooms: 0 SF
 Number of Floors: 2
 Height to Eave: 27'-0"
 Height to Top of Roof: 35'-0"
 Comments:

Master Plan Key



* All building designs are schematic.



Final Board - County Record

Long Sheet, B4E

EUM

NO.	DESCRIPTION	DATE	BY	CHECKED
1	PRELIMINARY DESIGN	10/15/10	J. PLATER	J. PLATER
2	SCHEMATIC DESIGN	11/15/10	J. PLATER	J. PLATER
3	FINAL DESIGN	12/15/10	J. PLATER	J. PLATER
4	CONSTRUCTION DOCUMENTS	01/15/11	J. PLATER	J. PLATER

Zoning Legend

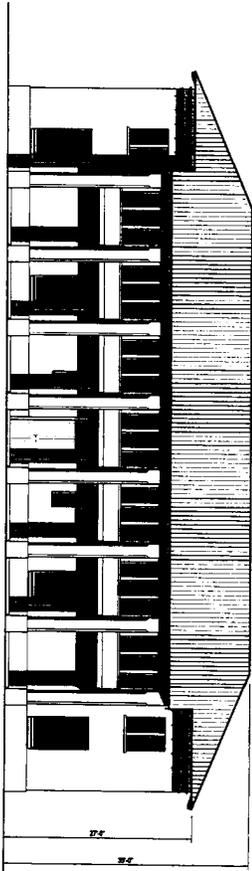
NO.	DESCRIPTION	DATE	BY	CHECKED
1	PRELIMINARY DESIGN	10/15/10	J. PLATER	J. PLATER
2	SCHEMATIC DESIGN	11/15/10	J. PLATER	J. PLATER
3	FINAL DESIGN	12/15/10	J. PLATER	J. PLATER
4	CONSTRUCTION DOCUMENTS	01/15/11	J. PLATER	J. PLATER

Prepared By

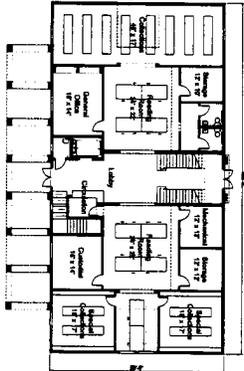
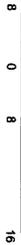
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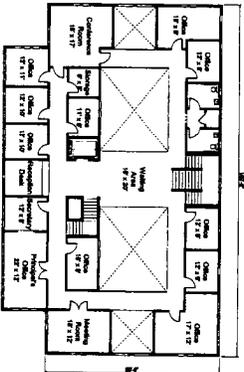
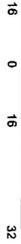
38.3
 SHEET
 4.19.2010



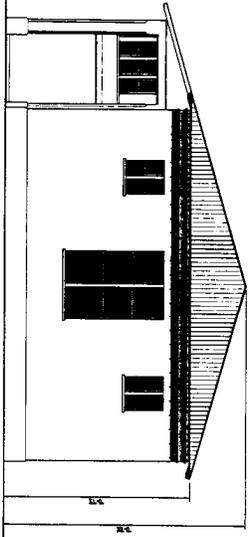
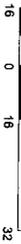
SOUTH ELEVATION



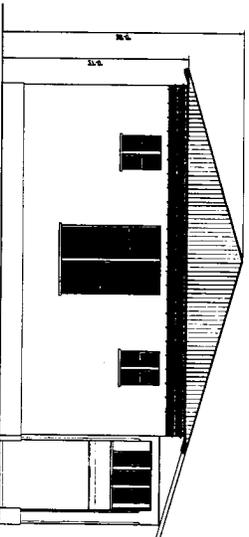
FIRST FLOOR PLAN



SECOND FLOOR PLAN



EAST ELEVATION



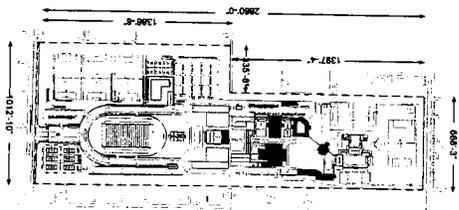
WEST ELEVATION



Building Information

Building Number: 36
 Building Use: Media Center and Administration
 Proposed Area: 9,000 SF
 Ground Floor Area: 5,000 SF
 Classrooms: 0
 Classrooms: 0
 Number of Floors: 9 (NSF)
 Height to Eave: 27'-0"
 Height to Top of Roof: 35'-0"
 Comments:

Master Plan Key



* All building designs are schematic.

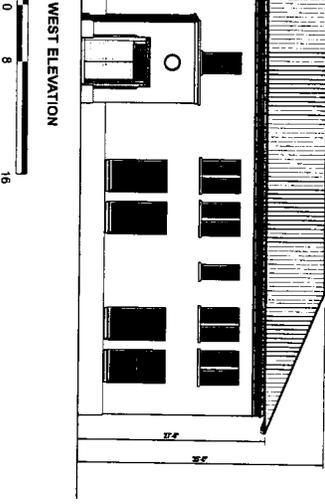
Final Review: JONAS LERMAN

Design Date: 03/08

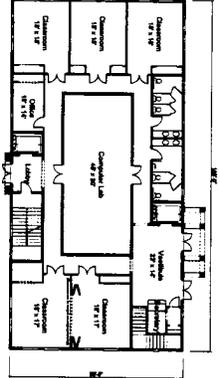
USE OF BUILDING		EUM	
USE	TYPE	USE	TYPE
Classrooms	0	Classrooms	0
Administrative	9,000	Administrative	9,000
Other	0	Other	0

ZONING LEGEND	
ZONE	PERMITTED USES
EU-1	Office, Professional, Retail, Restaurant, Service, and other uses as permitted in the zoning ordinance.
EU-2	Office, Professional, Retail, Restaurant, Service, and other uses as permitted in the zoning ordinance.
EU-3	Office, Professional, Retail, Restaurant, Service, and other uses as permitted in the zoning ordinance.

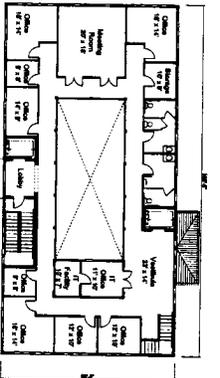
PROJECT INFORMATION	
NAME	PROJECT
SCHEMATIC ARCHITECTURE	PALMER TRINITY SCHOOL
7900 SW 178th St, Palmetto Bay, FL 33157	



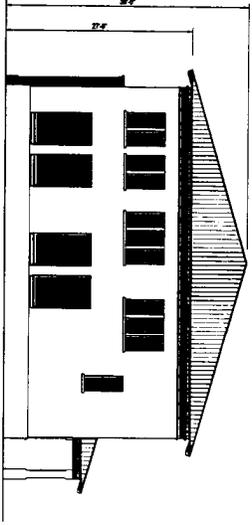
WEST ELEVATION



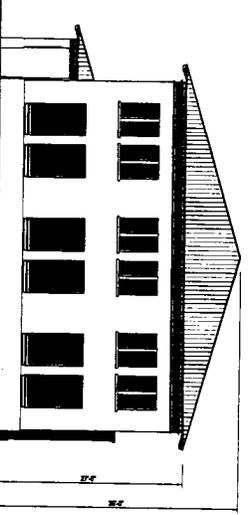
FIRST FLOOR PLAN



SECOND FLOOR PLAN



NORTH ELEVATION



SOUTH ELEVATION

SHEET
38.4
 4.19.2010

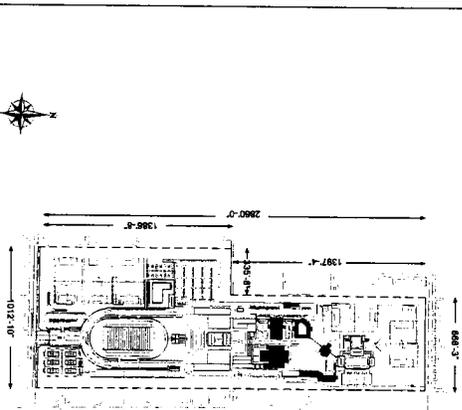
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Prepared By

Consultant

Master Plan Key

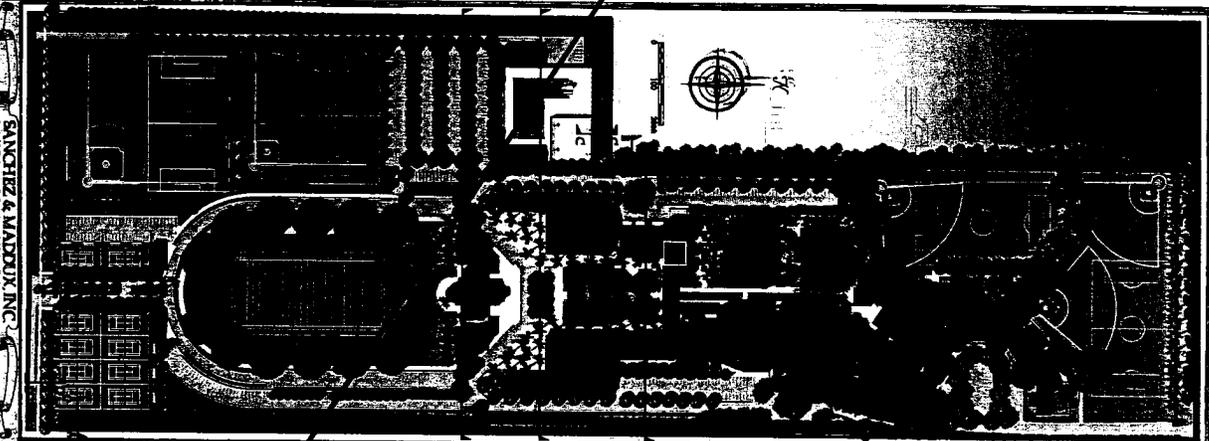


Master Plan Key

Zoning Legend	
EU-1M	Single-Family Detached, Medium Density
EU-2M	Single-Family Detached, Medium Density
EU-3M	Single-Family Detached, Medium Density
EU-4M	Single-Family Detached, Medium Density
EU-5M	Single-Family Detached, Medium Density
EU-6M	Single-Family Detached, Medium Density
EU-7M	Single-Family Detached, Medium Density
EU-8M	Single-Family Detached, Medium Density
EU-9M	Single-Family Detached, Medium Density
EU-10M	Single-Family Detached, Medium Density
EU-11M	Single-Family Detached, Medium Density
EU-12M	Single-Family Detached, Medium Density
EU-13M	Single-Family Detached, Medium Density
EU-14M	Single-Family Detached, Medium Density
EU-15M	Single-Family Detached, Medium Density
EU-16M	Single-Family Detached, Medium Density
EU-17M	Single-Family Detached, Medium Density
EU-18M	Single-Family Detached, Medium Density
EU-19M	Single-Family Detached, Medium Density
EU-20M	Single-Family Detached, Medium Density
EU-21M	Single-Family Detached, Medium Density
EU-22M	Single-Family Detached, Medium Density
EU-23M	Single-Family Detached, Medium Density
EU-24M	Single-Family Detached, Medium Density
EU-25M	Single-Family Detached, Medium Density
EU-26M	Single-Family Detached, Medium Density
EU-27M	Single-Family Detached, Medium Density
EU-28M	Single-Family Detached, Medium Density
EU-29M	Single-Family Detached, Medium Density
EU-30M	Single-Family Detached, Medium Density
EU-31M	Single-Family Detached, Medium Density
EU-32M	Single-Family Detached, Medium Density
EU-33M	Single-Family Detached, Medium Density
EU-34M	Single-Family Detached, Medium Density
EU-35M	Single-Family Detached, Medium Density
EU-36M	Single-Family Detached, Medium Density
EU-37M	Single-Family Detached, Medium Density
EU-38M	Single-Family Detached, Medium Density
EU-39M	Single-Family Detached, Medium Density
EU-40M	Single-Family Detached, Medium Density
EU-41M	Single-Family Detached, Medium Density
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EU-46M	Single-Family Detached, Medium Density
EU-47M	Single-Family Detached, Medium Density
EU-48M	Single-Family Detached, Medium Density
EU-49M	Single-Family Detached, Medium Density
EU-50M	Single-Family Detached, Medium Density

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 419.2010

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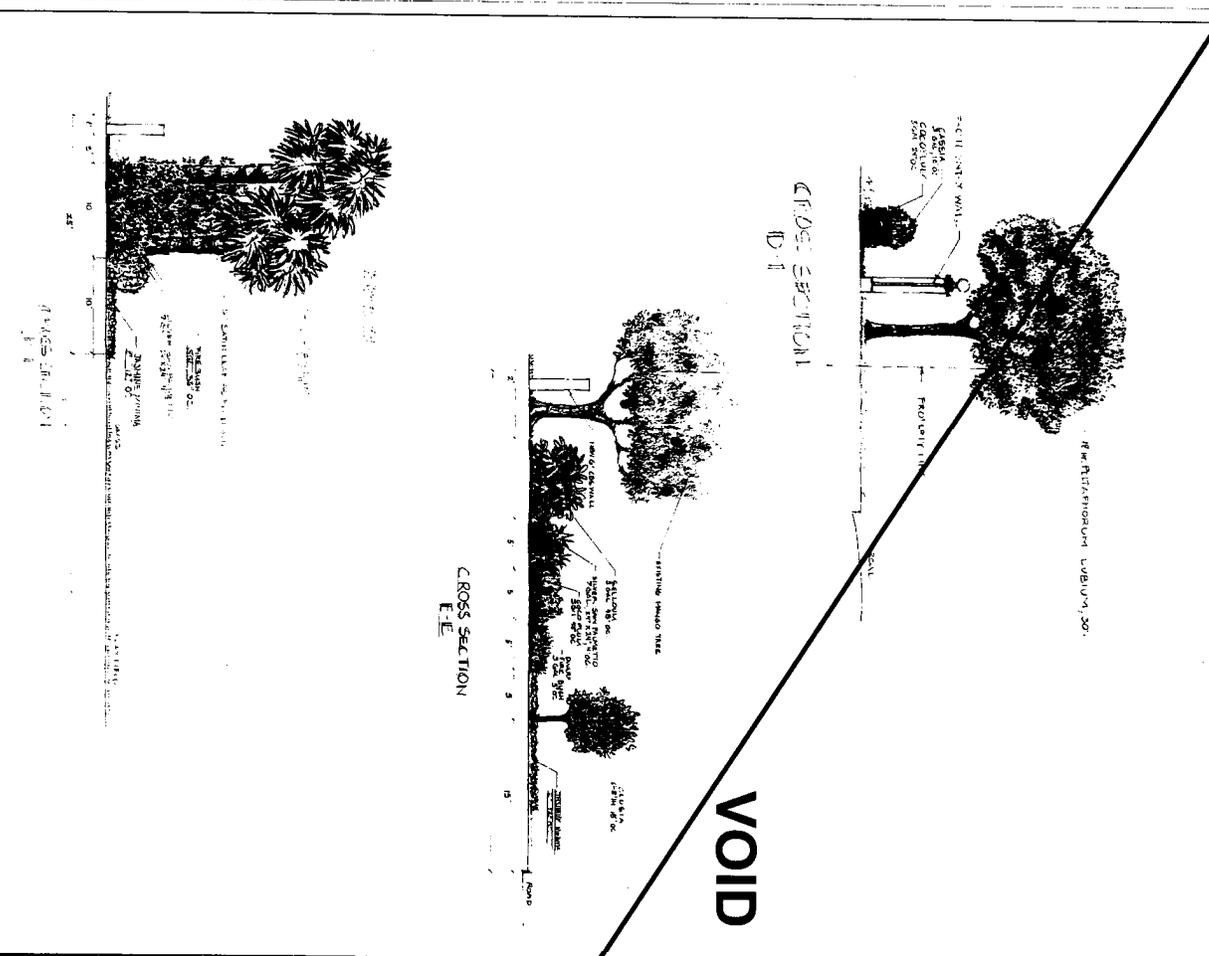
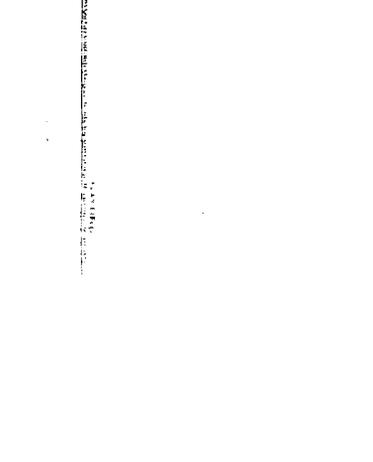
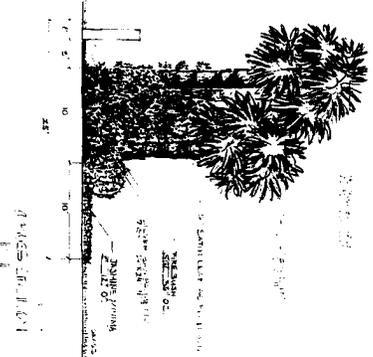


LANDSCAPE ARCHITECTURE

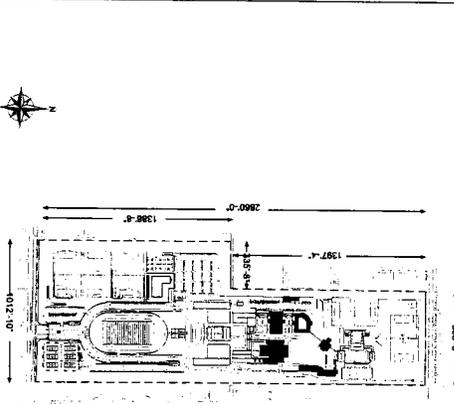
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CROSS SECTION D-I

CROSS SECTION E-E



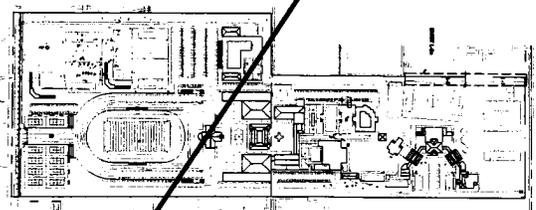
LANDSCAPE ARCHITECTURE



Plant List

Plant Name	Quantity	Plant Name	Quantity
1. 12" DB PALM	10	11. 12" DB PALM	10
2. 12" DB PALM	10	12. 12" DB PALM	10
3. 12" DB PALM	10	13. 12" DB PALM	10
4. 12" DB PALM	10	14. 12" DB PALM	10
5. 12" DB PALM	10	15. 12" DB PALM	10
6. 12" DB PALM	10	16. 12" DB PALM	10
7. 12" DB PALM	10	17. 12" DB PALM	10
8. 12" DB PALM	10	18. 12" DB PALM	10
9. 12" DB PALM	10	19. 12" DB PALM	10
10. 12" DB PALM	10	20. 12" DB PALM	10

VOID



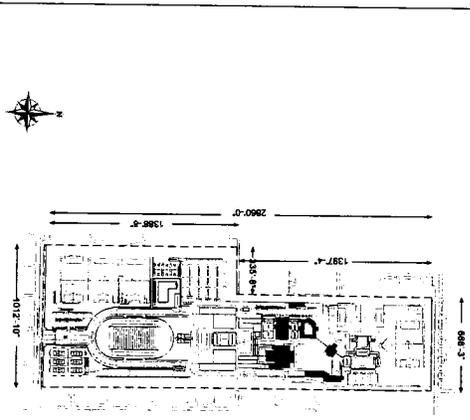
Plant Name	Quantity	Plant Name	Quantity
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2. 12" DB PALM	10	12. 12" DB PALM	10
3. 12" DB PALM	10	13. 12" DB PALM	10
4. 12" DB PALM	10	14. 12" DB PALM	10
5. 12" DB PALM	10	15. 12" DB PALM	10
6. 12" DB PALM	10	16. 12" DB PALM	10
7. 12" DB PALM	10	17. 12" DB PALM	10
8. 12" DB PALM	10	18. 12" DB PALM	10
9. 12" DB PALM	10	19. 12" DB PALM	10
10. 12" DB PALM	10	20. 12" DB PALM	10

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Consultant

Master Plan Key



From: School - Zoning Legend

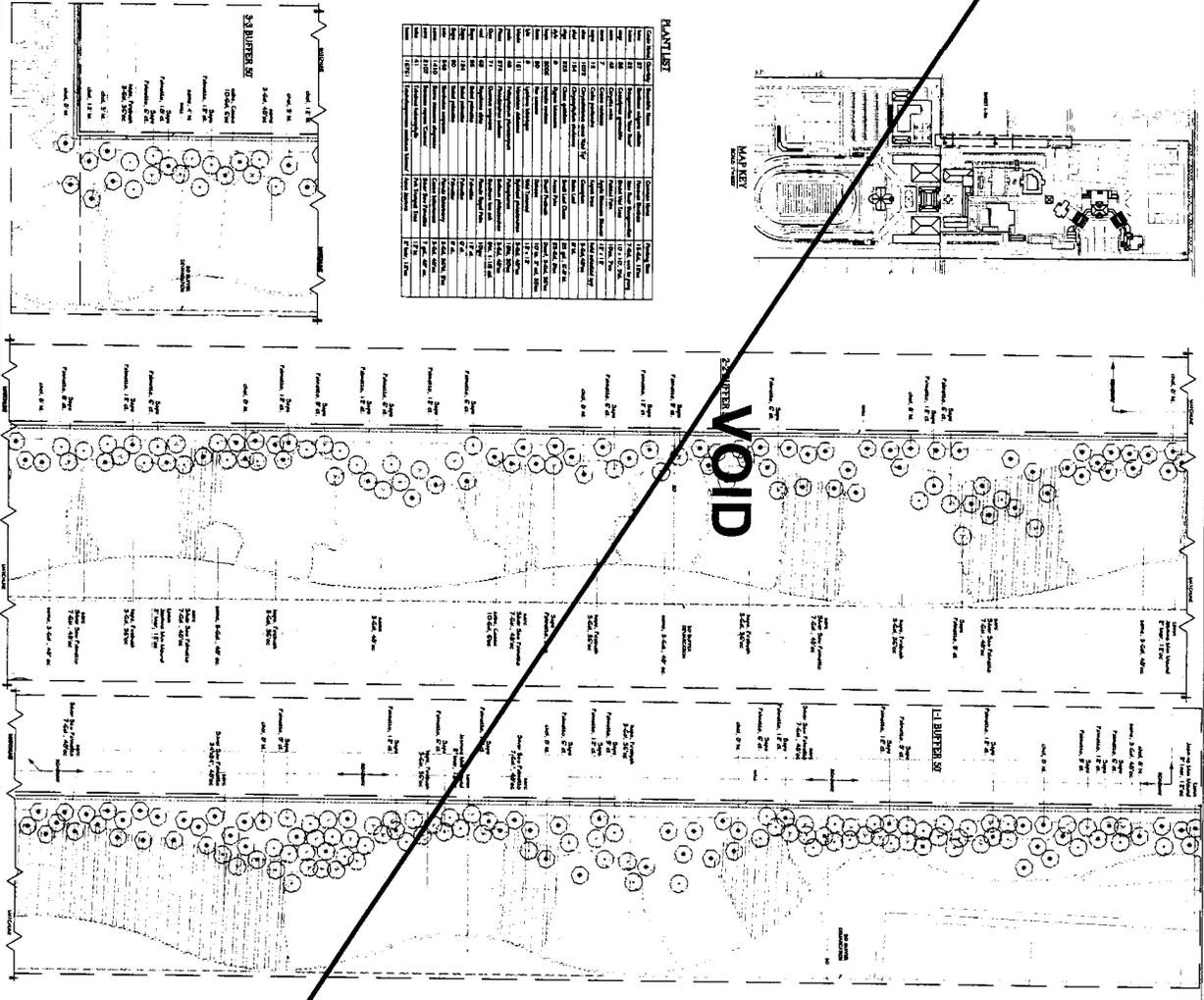
Code	Description	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Min. Front Setback (ft.)	Min. Side Setback (ft.)	Min. Rear Setback (ft.)	Min. Height (ft.)	Max. Height (ft.)	Max. Floor Area Ratio (FAR)	Max. Building Coverage Ratio (BCR)	Max. Building Height (ft.)	Max. Building Footprint (sq. ft.)	Max. Building Volume (cu. ft.)	Max. Building Footprint Area (sq. ft.)	Max. Building Volume Area (cu. ft.)	Max. Building Footprint Ratio (BFR)	Max. Building Volume Ratio (BVR)
EUM	Elementary School	10,000	100	100	10	10	10	20	30	0.25	0.25	2,500	50,000	2,500	50,000	0.25	0.25	

Zoning Legend

Palmer Trinity School
 7900 SW 178th St, Palmetto Bay, FL 33157

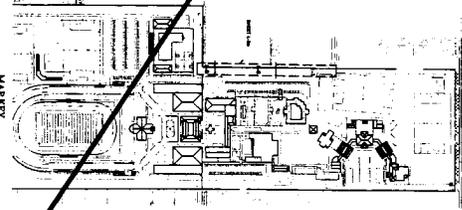
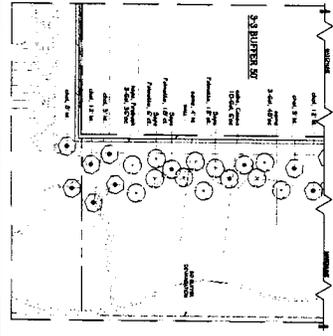
DUANY PLATER-ZYBERK & SO.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 25th Ave, Miami, FL 33135
 P. 305.644.1023 F. 305.644.1021

4.19.2010

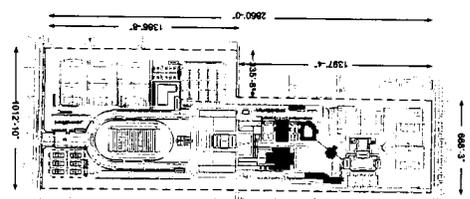


PLANT LIST

Plant Name	Quantity	Plant Name	Quantity
1. 10' PALM TREE	10	11. 10' PALM TREE	10
2. 10' PALM TREE	10	12. 10' PALM TREE	10
3. 10' PALM TREE	10	13. 10' PALM TREE	10
4. 10' PALM TREE	10	14. 10' PALM TREE	10
5. 10' PALM TREE	10	15. 10' PALM TREE	10
6. 10' PALM TREE	10	16. 10' PALM TREE	10
7. 10' PALM TREE	10	17. 10' PALM TREE	10
8. 10' PALM TREE	10	18. 10' PALM TREE	10
9. 10' PALM TREE	10	19. 10' PALM TREE	10
10. 10' PALM TREE	10	20. 10' PALM TREE	10



Master Plan Key



Phase 3 - Full Build-Out at 5 Years

Phase 2 - Concurrent with Construction of Fields and Service Facility

Phase 1 - Concurrent with Construction of Dining Hall

VOID

Symbol	Description
[Symbol]	Phase 1 - Dining Hall
[Symbol]	Phase 2 - Fields and Service Facility
[Symbol]	Phase 3 - Full Build-Out

7900 SW 176th ST. PALMETTO, FL. 33157

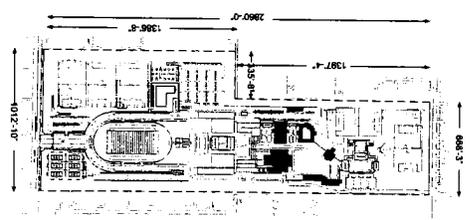
PALMER TRINITY SCHOOL

DUANY PLATER-ZYBERK & CO.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 25th AVE. MIAMI FL. 33135
 P. 305.644.1023 F. 305.644.1021

Prepared by

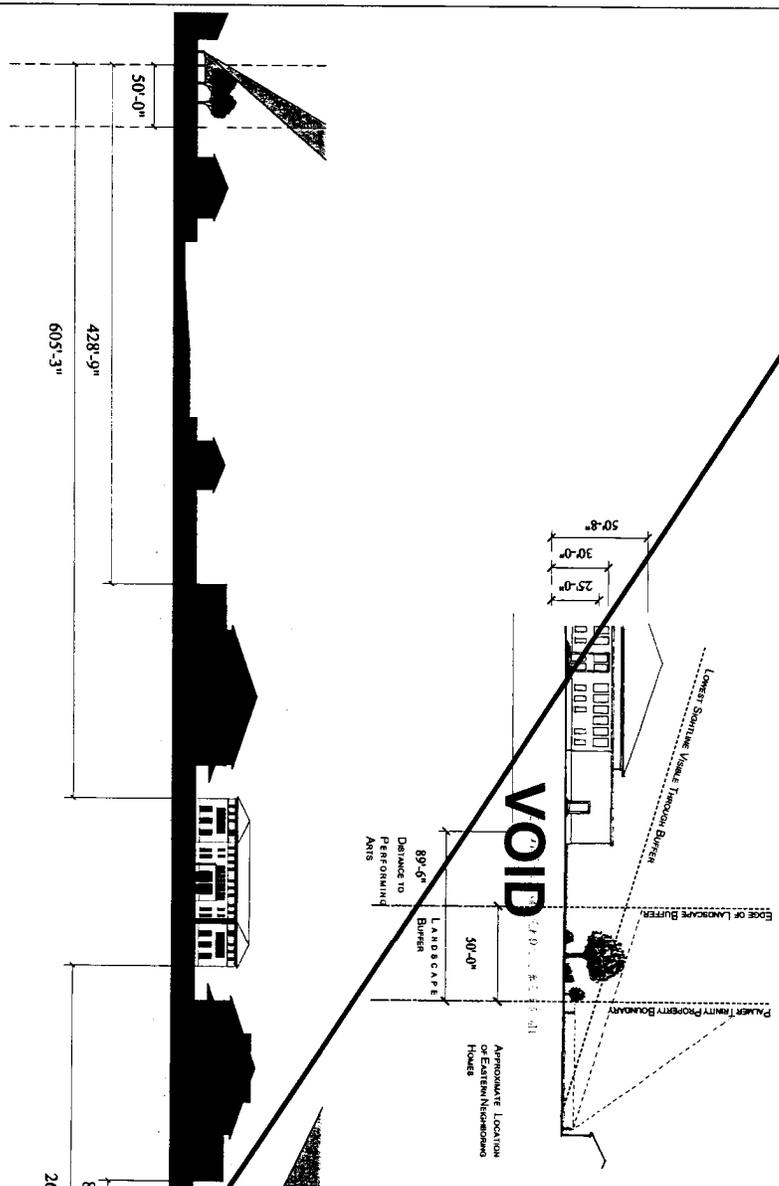
Consultant

Master Plan Key



This site section illustrates the role that the 50 foot landscape buffer plays in blocking the view of all buildings within the Palmer Trinity School campus from neighboring properties along the East and West property boundaries.

A section through the Education building illustrates the way in which the buffer functions. Along the East site boundary in this location, the Performing Arts center is 80 feet from the property boundary, and due to the buffer and 50 foot landscape buffer, the building is not visible from the sightlines of any neighboring property.



From School: 1260'0" (1260)

Code	Description	Area (sq ft)	Volume (cu ft)
1	EDUCATION	1260	1260
2	PERFORMING ARTS	1387	1387
3	PERFORMING ARTS	1385	1385
4	PERFORMING ARTS	1012	1012
5	PERFORMING ARTS	688	688

From School: 1260'0" (1260)

Code	Description	Area (sq ft)	Volume (cu ft)
1	EDUCATION	1260	1260
2	PERFORMING ARTS	1387	1387
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5	PERFORMING ARTS	688	688

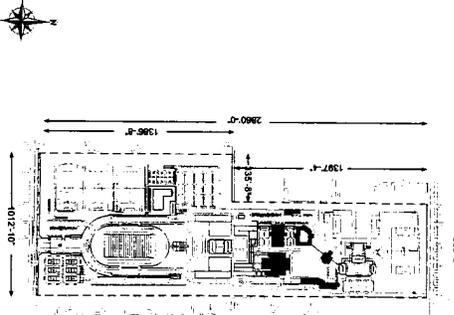
Palmer Trinity School
7900 SW 178th ST. PALMETTO, FL. 33157

DUANY PLATER-ZYBERK & SO.
ARCHITECTS AND TOWN PLANNERS
1023 SW 25th AVE. MIAMI, FL. 33135
P: 305.644.1023 F: 305.644.1021

Consultant

MUSCO SPORT LIGHTING
 100 1st Avenue West
 P.O. Box 805
 Osakekioska, Iowa 52577
 P. 800.825.5030

Master Plan Key



Zone

Zone

Zone	Code	Description
EU-M	1	EU-M

Zoning Legend

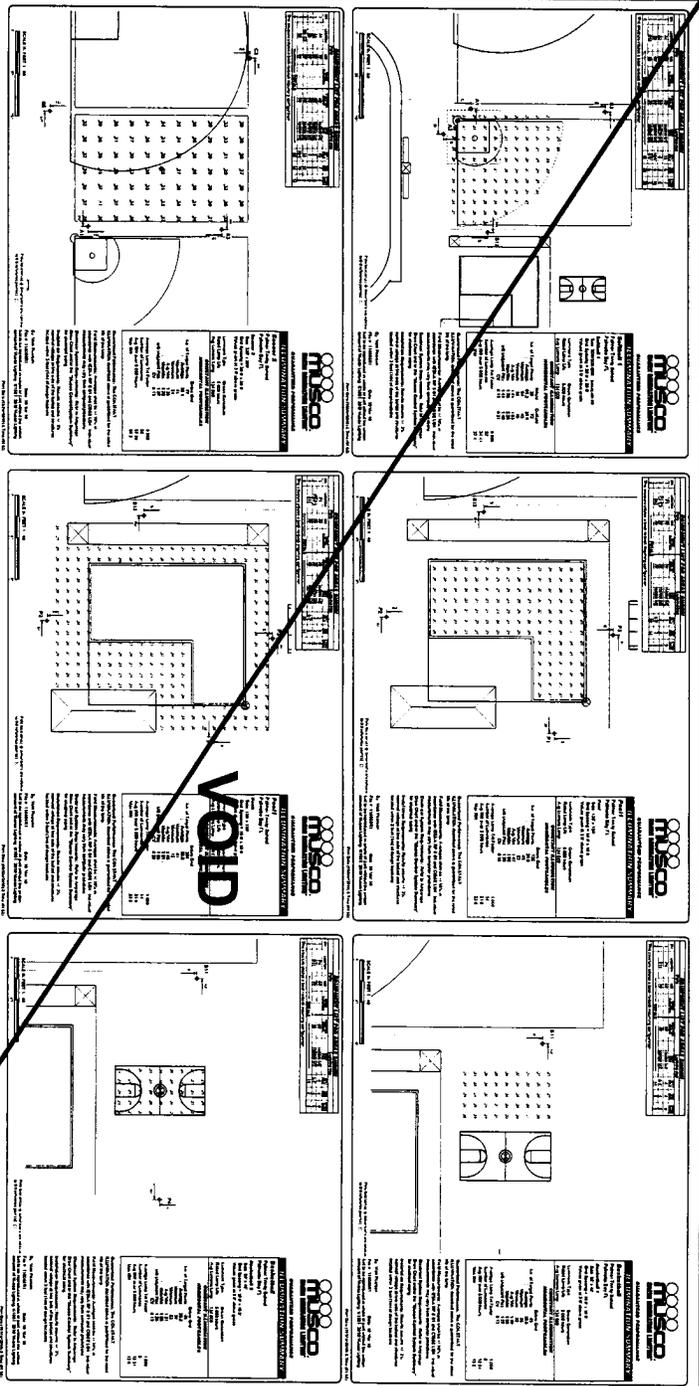
Zone	Code	Description	Notes
EU-M	1	EU-M	
EU-M	2	EU-M	
EU-M	3	EU-M	
EU-M	4	EU-M	
EU-M	5	EU-M	
EU-M	6	EU-M	
EU-M	7	EU-M	
EU-M	8	EU-M	
EU-M	9	EU-M	
EU-M	10	EU-M	
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EU-M	47	EU-M	
EU-M	48	EU-M	
EU-M	49	EU-M	
EU-M	50	EU-M	

PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO BLVD, FL. 33157

DUANY PLATER-ZYBERK & CO.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 25TH AVE. MIAMI FL. 33135
 P. 305.644.1023 F. 305.644.1021

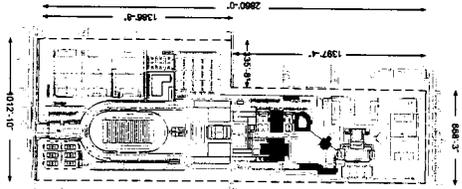
Prepared by

SHEET
47
 4.19.2010



VOID

MUSCO SPORT LIGHTING
 100 1st Avenue West
 P.O. Box 808
 Okaloosa, Iowa 52577
 P. 800.825.6030



Master Plan Key

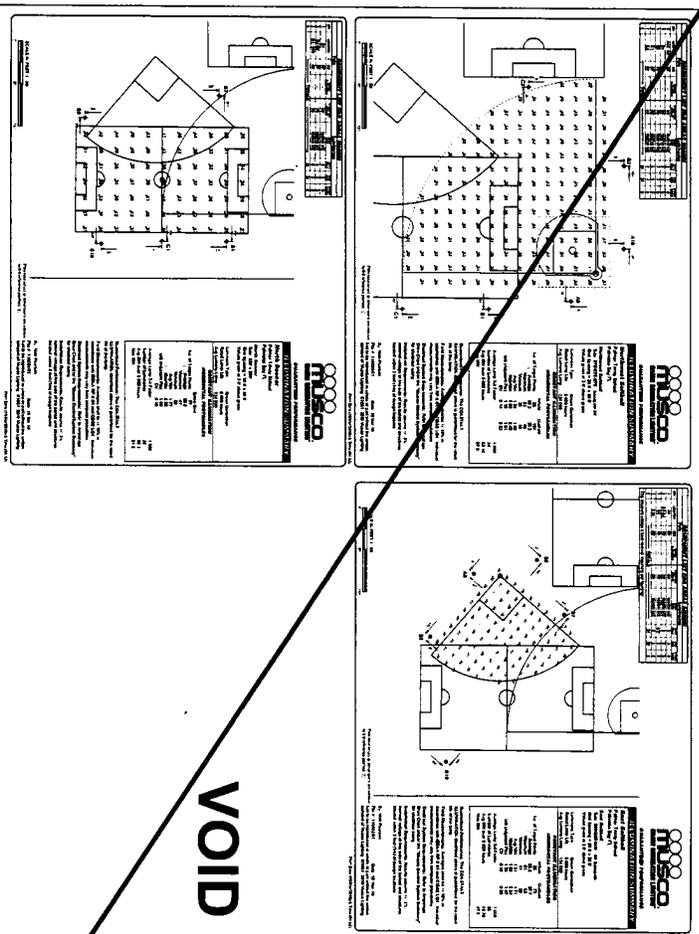
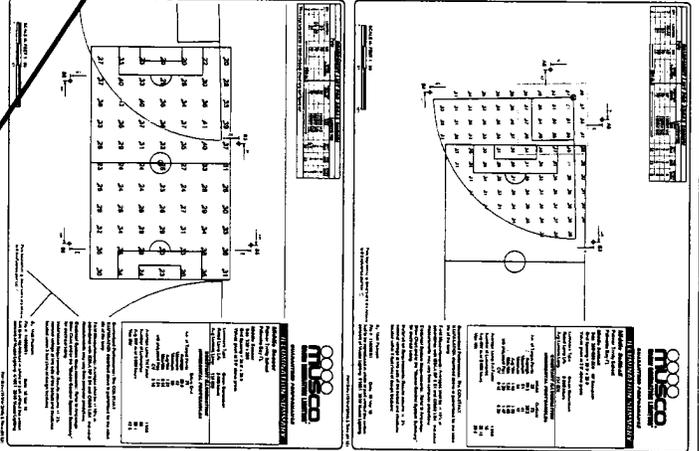
zoning legend

Code	Description	Permitted	Conditional	Prohibited
EU-M	Medium Density Residential	Single-Family Detached	Single-Family Attached	Multi-Family Residential
...

48 SHEET
 4.19.2010

PALMER TRINITY SCHOOL
 7900 SW 176TH ST. PALMETTO, FL. 33157

DUANY PLATER-ZYBERK & CO.
 ARCHITECTS AND TOWN PLANNERS
 1023 SW 25TH AVE. MIAMI, FL. 33135
 P. 305.644.1023 F. 305.644.1021



VOID

RESOLUTION 2010-48
EXHIBIT "C"

FROM DATE OF
EAST 0/0

School Year	Total Enrollment	Additional students from prior year	Percentage Increase from prior year
2008-2010	640		
2010-2011	660	20	3.13%
2011-2012	680	20	3.03%
2012-2013	700	20	2.94%
2013-2014	720	20	2.86%
2014-2015	740	20	2.78%
2015-2016	840	100	13.51%
2016-2017	890	50	5.95%
2017-2018	942	52	5.84%
2018-2019	994	52	5.53%
2019-2020	1036	42	4.23%
2020-2021	1069	33	2.61%
2021-2022	1090	21	2.54%
2022-2023	1117	27	2.48%
2023-2024	1157	40	4.79%
2024-2025	1180	23	4.14%

RESOLUTION 2010-48
EXHIBIT "D"



RECEIVED
Zoning Department

April 27, 2010 @ 6:28pm

Village of Palmetto Bay
Building & Zoning Department

By: *Jian C. Yantana*

Alexandra L. Deas, Esq.
Tel 305.350.72
Fax 305.351.21
adeas@bilzin.c

April 27, 20

Via E-Mail

Julian H. Perez, Department Director of Planning and Zoning
Village of Palmetto Bay
8950 S.W. 152 Street
Palmetto Bay, Florida 33157

**Re: Palmer Trinity Private School, Inc. ("Applicant")
Village Zoning Application: VPB 07-012 ("Application")**

Dear Mr. Perez:

Please be advised that if the Application is approved, the Phase 1 improvements will be as follows:

1. Seek permits for the opening of the school driveway on SW 184th St. and internal roadway connecting the 7900 SW 176th St. parcel to the 8001 SW 184th St. parcel within six months of final zoning approval and prior to the issuance of any certificate of occupancy for any structure;
2. Once a certificate of occupancy is issued for the first new classroom building, remove the modular classrooms, but no later than 18 months following final zoning approval;
3. Construct the wall on Parcel B within two years of final zoning approval and complete planting the buffer within three years of final zoning approval; and
4. The pool will not be part of Phase 1 and will be constructed no sooner than five years following final zoning approval.

Thank you for your attention to this matter and please do not hesitate to contact me if you have any questions or comments.

Sincerely,

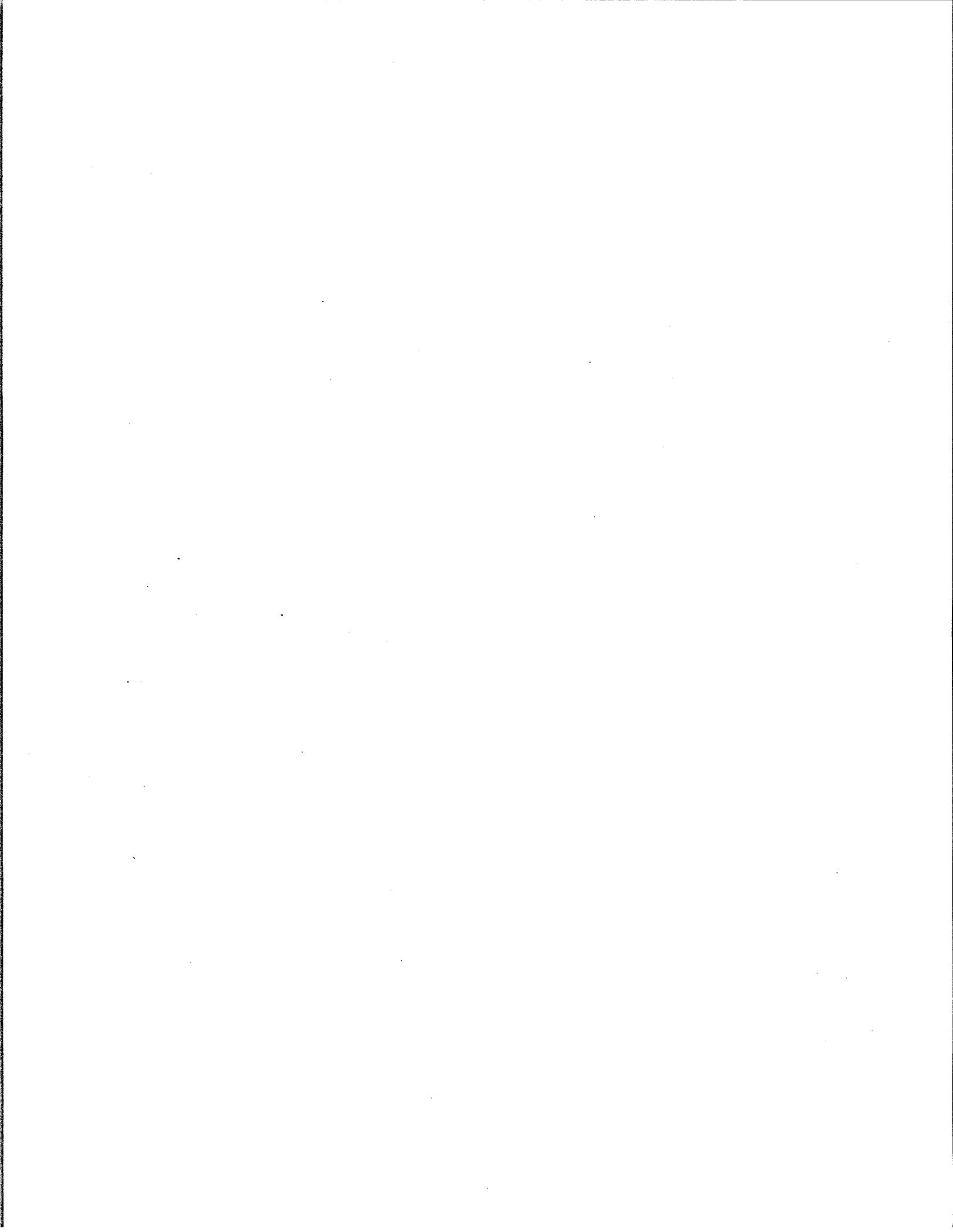
Alexandra L. Deas

cc: Sean Murphy
Stanley Price, Esq.
Eileen Mehta, Esq.

MIAMI 2159109.17530622033
BILZIN SUMBERG BAENA PRICE & AXELROD LLP

200 S. Biscayne Boulevard, Suite 2500, Miami, FL 33131-5340 Tel 305.374.7580 Fax 305.374.7593

ww



Stanley B. Price, Esq.
Tel 305-350-2374
Fax 305-351-2204
sprice@bilzin.com

July 12, 2011

Via E-Mail & US Mail

Eve A. Boutsis, Village Attorney
Village of Palmetto Bay
18001 Old Cutler Road, Suite 533
Palmetto Bay, Fl. 33157

Re: July 19, 2011 Hearing on Remand - Palmer Trinity Private School Inc.

Dear Ms. Boutsis:

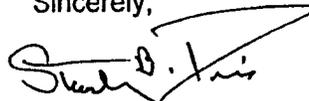
On behalf of our client, Palmer Trinity Private School, Inc., we are filing this formal objection to the proposed procedure for the conduct of the July 19, 2011, hearing on remand as set forth in the attached Memorandum.

It appears from the Conclusion on page 8 that the purpose of the Memorandum is to advise the Village Council as to how it can circumvent the express Orders of the Circuit Court. The Court has made it very clear that the Village Council is to remove the two quashed conditions or otherwise render those conditions ineffectual and to take no further action inconsistent with the Court's Orders. Accordingly, we object to the introduction of any evidence or testimony which is intended to prove that the 1,150 students requested in Palmer Trinity's zoning application would constitute a detriment to the public interest or a manifest injustice or would be unacceptable due to changed circumstances or any other basis for avoiding the Court's Orders.

Specifically, the two expert witness reports filed by W. Tucker Gibbs on behalf of his clients and any expert testimony in furtherance thereof should be deemed inadmissible. These experts do no more than criticize the evidence introduced by Palmer Trinity at last year's hearing, and they are entirely irrelevant to the implementation of the Court's Mandate.

While we object to the introduction of any new evidence at the July 19, 2011, hearing, in an abundance of caution, we submit the attached rebuttal report prepared by David Plummer & Associates. We submit this report solely for purposes of rebutting evidence that we deem inappropriate and inadmissible, and it should not in any way be deemed as a waiver of our objections as stated herein.

Sincerely,


Stanley B. Price

cc: Darby DeSalle
W. Tucker Gibbs

MIAMI 2624355.1 7530633911

DAVID PLUMMER & ASSOCIATES

1750 PONCE DE LEON BLVD. BETHLEHEM, FLORIDA 32504
TEL: 407-477-7777 • FAX: 407-477-7777 • EMAIL: DPA@DPA.COM

July 12, 2011

Mr. Stanley Price
Bilzin, Sumberg, Baena, Price & Axelrod LLP
1450 Brickell Avenue, Suite 2300
Miami, FL 33131-3456
(305) 350-2374
sprice@bilzin.com

RE: Responses to HHIs Comments on the PTS Traffic Study - #04211

Dear Stan:

The purpose of this letter is respond to comments made by Hughes Hughes, Inc. (HHI) on behalf of Concerned Citizens of Old Cutler Road, Inc. (CCOCR) regarding the Palmer Trinity School (PTS) Traffic Study in a letter dated June 30, 2011.

After review of the traffic study submitted on April 12, 2010, the Village of Palmetto Bay (VPB) staff stated at the May 4, 2010 hearing that the affected roadways analyzed meet level of service standards. This statement is later validated at this hearing by the VPB traffic consultant, The Corradino Group (TCG), with the following statement: the applicant's analysis details the impacts of the school on the adjacent neighborhoods, as per the methodology we've developed, and it's been found that the level of service on analyzed roadway segments and intersections, with the project, with mitigation, will remain within acceptable level of service standards, as approved by the VPB. DPA agrees with the conclusions made by the VPB and TCG.

At this time, HHI has brought forward additional comments to the same traffic study submitted prior to the last public hearing and reviewed by VPB staff and the VPB traffic consultant (TCG), as well as a consultant representing the CCOCR, and approved by the Village of Palmetto Bay commission. Our traffic study meets the requirements of the methodology agreed to by David Plummer & Associates (DPA), the VPB, and TCG.



Mr. Stanley Price

RE: HHIs Comments on the Palmer Trinity School Traffic Study - #04211

Page 2

DPA's responses to HHIs comments are below.

Comment 1. No LOS analysis of SW 176th Street.

Response: The roadways and intersections analyzed meet the traffic study methodology agreed upon by the VPB, TCG, and DPA (See Appendix A, March 29, 2011 methodology e-mail (Comment 4)).

Comment 2. No Analysis of Impacts at Full Occupancy at 1,150 Students.

Response: The buildout year analyzed meets the traffic study methodology agreed upon by the VPB, TCG, and DPA (See Appendix A, March 29, 2011 methodology e-mail (Comment 4)).

Comment 3. No Analysis of Adequate "Alternative Routes".

Response: The northbound approach of the SW 184 Street/SW 82 Avenue intersection in the existing condition for the am peak hour has 154 vehicles per hour (vph). The northbound approach of this intersection in the future with project condition for the am peak hour is projected to have an additional 6 vehicles per hour (vph). No further analysis of this location was required by the VPB or their traffic consultant, TCG, and the statements made in the report were accepted. This may be due to the minor increase in future traffic to the northbound approach at this location.

Comment 4. OCR analysis uses 2 different counts.

Response: The traffic study uses peak hour traffic counts for the analyses, not AADTs.

Comment 5. Roadway Capacity Measurements of Undivided Roads.

Response: The analysis performed is consistent with the Village of Palmetto Bay Comprehensive Plan Analysis (see Table 2-3, pg 2-18), in which peak-hour, peak-direction analysis is performed.

Comment 6. Unjustified Combination of LOS Analysis Methods.

Response: The use of a travel time and delay studies for Old Cutler Road was agreed to by TCG during the February 26, 2008 methodology discussions.



Mr. Stanley Price

RE: HHIs Comments on the Palmer Trinity School Traffic Study - #04211

Page 3

Comment 7. Reliance on Outdated LOS Evaluation Software.

Response: This version of the HCS software was used in the initial analyses and carried forward with subsequent analyses. The VPB and TCG have accepted use of this software.

Comment 8. Generalized terms such as "acceptable" in context of "delays" and "comparable" in context of "intersections" are not defined.

Response: See Response to Comment 3 above.

Comment 9. Inflated LOS Reported for Intersections.

Response: According to the review performed by VPB staff and their traffic consultant, TCG, the level of service on analyzed roadway segments and intersections, with the project, with mitigation, will remain within acceptable level of service standards.

Comment 10. Reliance on "Flawed" Software without employment of Alternative Evaluation Technique.

Response: See response to comments 3 and 8 above.

Comment 11. Video of 4/27/10 Conditions contradict observations in DPA's 4/22/10 Report.

Response: See Condition 8.14 from Resolution 2010-48, Zoning Application VPB 07-012-B.

Comment 12. Inconsistencies between reported results and those shown in output sheets in Appendix D.

Response: The following typographical errors were found: the existing and future without project AM peak hour level of service for Old Cutler Road with SW 176 Street is C, while a B was reported, and the AM peak hour for the northbound approach of SW 176 Street with SW 83 Avenue is B instead of A. These levels of service are well within the adopted LOS standard.

Comment 13. Incorrect Calculation of Future Trip Generation for the North School Driveway.

Response: See Condition 8.6 from Resolution 2010-48, Zoning Application VPB 07-012-B.



Mr. Stanley Price

RE: HHIs Comments on the Palmer Trinity School Traffic Study - #04211

Page 4

Comment 14. No Evidence of "significant" reduction in SW 176 Street traffic.

Response: See response to comment 13 above.

Comment 15. Minimum LOS at 4 Intersections not met with 1,150 students.

Response: See response to comment 9 above.

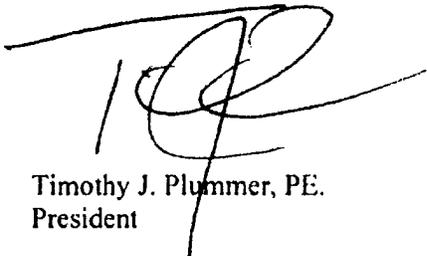
Comment 16. SW 176 Street Conditions will continue to be unacceptable with 1,150 students.

Response: See responses to comments 11 and 13.

DPA stands by the work we performed on the PTS application. The traffic study went through extensive review and scrutiny. In the end, the VPB and their traffic consultant, TCG, agreed that the roadways and intersections analyzed in the future conditions with project meet the Village's adopted levels of service standards. Further, conditions have been agreed to by PTS in Resolution No. 2010-48, Zoning Application VPB 07-012-B to monitor traffic the PTS driveway on SW 176 Street to further protect the neighborhood.

Please call me at (305) 447-0900 if you have any questions or need more information.

Sincerely,



Timothy J. Plummer, PE.
President

cc: Sean Murphy (PTS), Eileen Mehta (Bilzin), file

price1-let



Appendix A

Methodology Documentation

Elisa Solorzano

From: Timothy J. Plummer
Sent: Monday, March 29, 2010 4:17 PM
To: Eve Boutsis (Palmetto Bay); Julian Perez (Palmetto Bay); Joe Corradino
Cc: Sean Murphy; Stan Price; 'Eileen Bail Mehta'
Subject: Palmer Trinity School Traffic Study Update - #04211

Eve/Julian/Joe:

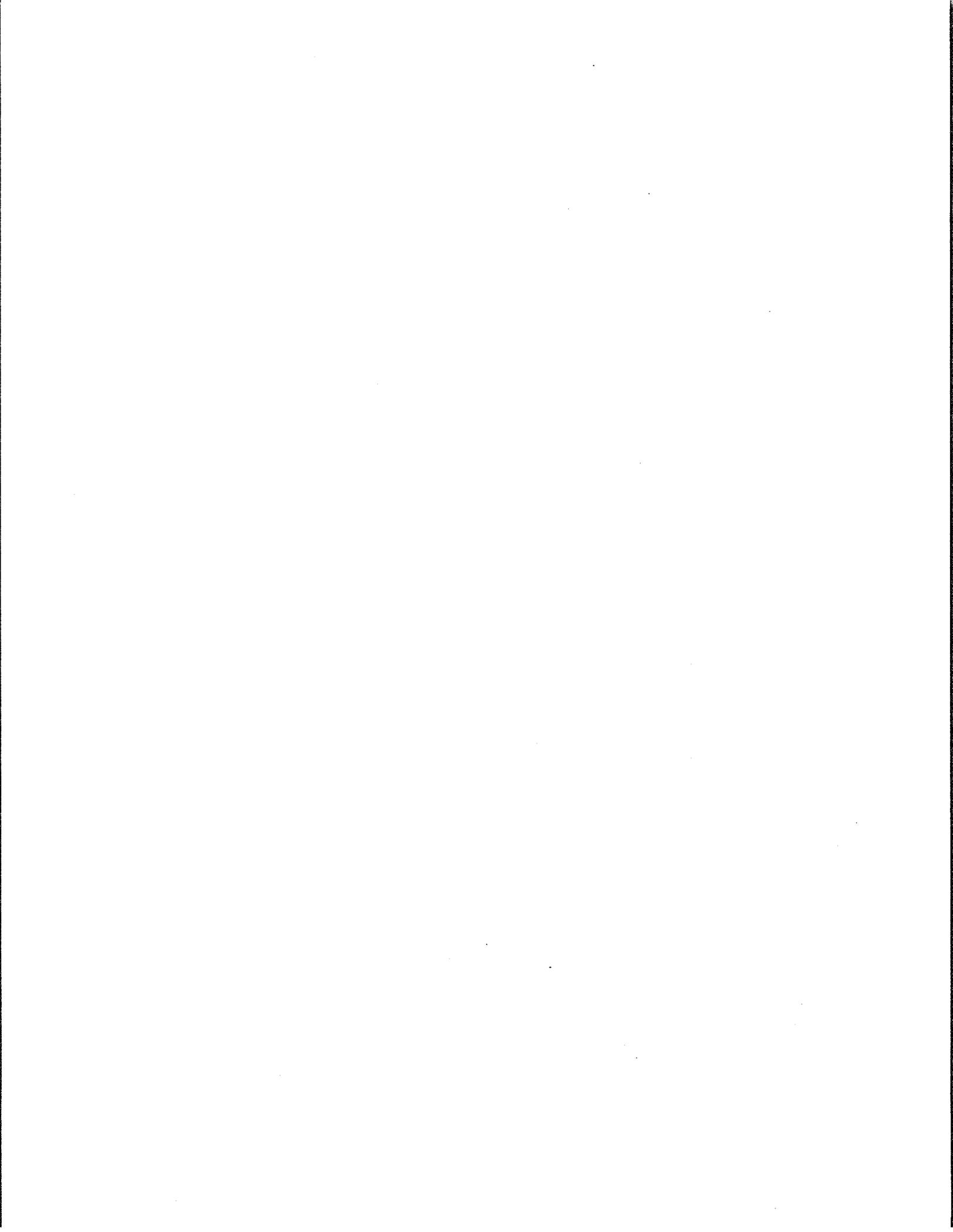
The purpose of this email is to document the methodology that was agreed upon today for the update to the Palmer Trinity School (PTS) traffic study. The key points are below:

- PTS is proposing 1,150 students and expects to fill all of those student stations in the next 15 – 25 years.
- For purposes of the updated traffic study, buildout will remain 2015.
- Updated traffic counts will not be required. The 2007-08 data needs to be updated to 2010 conditions using a growth factor.
- For analysis purposes, existing volumes (2010) on SW 176 St will be the “baseline condition” for that roadway. The baseline volumes will be compared to the future (2015) buildout volumes on SW 176 St. No level of service analyses are required on SW 176 St, just the comparison of existing and future traffic volumes.
- PTS will begin the process of designing, permitting, and constructing an access point on SW 184 St immediately if the project is approved. PTS will require a portion of the existing students, parents, and/or teachers to use this access point as soon as it is open to traffic in order to lessen traffic volumes on SW 176 St as soon as possible.
- PTS will provide an off-duty police officer or other qualified professional to direct traffic at the SW 176 St and SW 184 St driveways to facilitate traffic flow into and out of the school.
- An identification system (i.e., colored decals) for vehicles will be implemented by PTS for all parents, students, and teachers entering the site in order to control which driveway drivers are allowed to use.
- PTS will consider moving any existing or proposed guard houses as far into the site as feasible.
- The proposed schedule is as follows:
 - DPA to submit updated traffic study to Village & Corradino on 4/12/10
 - Village & Corradino will provide review comments by 4/16/10
 - DPA to provide final submittal, addressing review comments, by 4/22/10

This is my understanding of what was agreed upon today at the meeting. Please verify via email by 3/30/10 that the above is correct (or provide modifications/additions) so that we can meet our deadline of 4/12/10.

Thanks for your help.

Tim



W. TUCKER GIBBS

ATTORNEY AT LAW

P.O. BOX 1050
COCONUT GROVE, FLORIDA 33133

TELEPHONE (305) 856-2711
FACSIMILE (305) 854-6093

July 1, 2011

VIA HAND DELIVERY

Darby P. Delsalle, AICP
Director, Planning and Zoning
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157

Re: Palmetr Trinity Private School, Inc., Special Exception for
Increase of Students to 1150. Hearing No. VPB-07-012-B

Dear Mr. Delsalle:

This letter is to notify you that the undersigned represents Concerned Citizens of Old Cutler, Inc., Betty Pegram, Stanley Kaplan and other neighbors of the above referenced applicant for village zoning approvals.

At the Village Council's public hearing on this issue on July 19, 2011, my clients will provide expert testimony on this matter from Mark Alvarez a professional urban planner. That testimony will relate to the planning and zoning issues presented by the referenced zoning application and its relationship with the requirements the Village of Palmetto Bay Comprehensive Master Plan, the Village of Palmetto Bay ordinances and other municipal, county and state regulations. The testimony will examine the planning and zoning issues regarding the application presented by Palmer Trinity School for the special exception to permit the increase in the number of students permitted at this private school. The basis of this testimony is the expertise as a professional planner of the witness. Mr. Alvarez's report is enclosed pursuant to section 30-30.12 of the Village of Palmetto Bay Code.

Mr. Alvarez, in his testimony before the Village Council, will rely on his education and expertise as an urban planning professional, planning books and treatises, and documents on file with the Village and other state and local governmental units including Miami-Dade County, as well as material included in the public record relating to the property that is the subject of this zoning application.

Sincerely,


W. Tucker Gibbs

RECEIVED
Zoning Department
7/1/2011 4:00pm
Village of Palmetto Bay
Building & Zoning Department
By: *Vanessa*
Program

W. TUCKER GIBBS

ATTORNEY AT LAW

P.O. BOX 1050
COCONUT GROVE, FLORIDA 33133

TELEPHONE (305) 856-2711
FACSIMILE (305) 854-6093

July 1, 2011

VIA HAND DELIVERY

Darby P. Delsalle, AICP
Director, Planning and Zoning
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157

Re: Palmert Trinity Private School, Inc., Special Exception for
Increase of Students to 1150. Hearing No. VPB-07-012-B

Dear Mr. Delsalle:

This letter is to notify you that the undersigned represents Concerned Citizens of Old Cutler, Inc., Betty Pegram, Stanley Kaplan and other neighbors of the above referenced applicant for village zoning approvals.

At the Village Council's public hearing on this issue on July 19, 2011, my clients will provide expert testimony on this matter from Molly Hughes, AICP, PTP, AVS, a professional transportation planner. That testimony will relate to the traffic and transportation issues presented by the referenced zoning application and its relationship with the requirements of the Village of Palmetto Bay Comprehensive Master Plan, the Village of Palmetto Bay ordinances and other municipal, county and state regulations. The testimony will examine the traffic and transportation planning issues regarding the application presented by Palmer Trinity School for the special exception to permit the increase in the number of students permitted at this private school. The basis of this testimony is the expertise as a professional traffic and transportation planner of the witness. Ms Hughes' report is enclosed pursuant to section 30-30.12 of the Village of Palmetto Bay Code.

Ms Hughes, in her testimony before the Village Council, will rely on her education and expertise as a traffic and transportation planning professional, transportation planning and engineering manuals and treatises, and documents on file with the Village and other state and local governmental units, as well as material included in the public record relating to the property that is the subject of this zoning application.

Sincerely,

W. Tucker Gibbs
W. Tucker Gibbs

RECEIVED
Zoning Department

7/1/2011 4:00 pm

Village of Palmetto Bay
Building & Zoning Department

By: *Janesse*

W. TUCKER GIBBS

ATTORNEY AT LAW

P.O. Box 1050
COCONUT GROVE, FLORIDA 33133

TELEPHONE (305) 856-2711
FACSIMILE (305) 854-6093

July 1, 2011

VIA HAND DELIVERY

Darby P. Delsalle, AICP
Director, Planning and Zoning
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157

Re: Palmer Trinity Private School, Inc., Special Exception for
Increase of Students to 1150. Hearing No. VPB-07-012-B

Dear Mr. Delsalle:

I represent Concerned Citizens of Old Cutler, Inc., Betty Pegram, Stanley Kaplan and other neighbors of the above referenced applicant regarding the referenced application for special exception scheduled to be considered by the Village of Palmetto Bay Village Council on July 19, 2011. Pursuant to the Village of Palmetto Bay Municipal Code, section 30-30.12, enclosed please find copies of the following documents and material:

- 1) Report summarizing expert testimony of Molly Hughes, traffic and transportation planner.
- 2) Report summarizing expert testimony of Mark Alvarez, urban planner.
- 3) Compact Disc showing traffic conditions on S.W. 176 Street on April 27, 2010.

In addition, our presentation team shall include me; Molly Hughes, our traffic and transportation expert witness; Mark Alvarez, our urban planning expert witness and no more than two neighbors. At the hearing we expect to request 45 minutes for our presentation. We will require a screen and a computer connection that would allow the showing of a DVD. I expect to retain Miami-Dade County Court Reporters, 150 S.E. 2d Avenue, Miami, Florida 33131, phone number: 305-373-5600, to transcribe the proceedings.

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Zoning Department

7/1/2011 4:00 pm

Village of Palmetto Bay
Building & Zoning Department

By: *Thomas A. Barragan*

If there is any other information you require or questions you need to be answered, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Tucker Gibbs". The signature is written in a cursive style with a prominent loop at the end.

W. Tucker Gibbs

cc: Clerk, Village of Palmetto Bay
Village Attorney, Village of Palmetto Bay



HUGHES HUGHES INC.

June 30, 2011

Concerned Citizens of Old Cutler, Inc.
19 W. Flagler Street
Miami, FL 33130
C/o Betty Pegram, President
18121 SW 82nd Avenue
Village of Palmetto Bay, FL 33157

RE: Trinity Palmer School Expansion
HHI Project No. 11006.1

Dear Ms. Pegram:

On behalf of Concerned Citizens of Old Cutler, Inc., you have contracted with Hughes Hughes Inc. (HHI) to conduct a review of traffic analyses performed by others related to the proposed expansion of Palmer Trinity School by Palmer Trinity Private School, Inc. This letter report transmits to you HHI's qualifications to conduct such a review, our findings and conclusions.

HHI's Qualifications

As outlined in the attachment, HHI is qualified to conduct evaluations of this type and nature based on the training, knowledge, experience and skill-base of its employees, and particularly those of the project manager for this assignment, Molly Hughes.

The field of traffic engineering is a "mash-up" of several disciplines: traffic engineering, transportation planning, geography and spacial systems, and political science. The design functions, such as traffic signal design, require oversight by a registered professional engineer, while future traffic conditions analyses are dependent on numerous planning functions and related modeling techniques. Others specialize in traffic operations and still others in traffic signal operations.

A competent transportation consultant is versed in many of these areas, and most have obtained educational degrees and post-education certifications in one or more of these areas. No single professional is highly competent in all areas. To offer the highest level of services to the public and private sectors, HHI employs transportation planners and traffic engineers as well as support personnel with a variety of specializations and certifications. Those of its project manager for this

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TRANSPORTATION ENGINEERS & PLANNERS
728 SW 4 Place ■ Suite 103 ■ Ft. Lauderdale, FL 33312-2591
954/563-1121 ■ Fax 954/563-9790 ■ www.HughesHughes.com

Village of Palmetto Bay
Building & Zoning Department
By:
Vanessa Romano

Betty Pegram
June 30, 2011
Page 2

project are presented in detail in the attachment. Among the highlights of Ms. Hughes's career are her:

- Master's degree in Urban Affairs/Planning
- Exam-based certifications as a:
 - Professional Transportation Planner (PTP) by the Institute of Transportation Engineers (ITE)
 - Certified Planner by the American Institute of Certified Planners (AICP)
 - Associate Value Specialist (AVS) by SAVE International value engineering society
- 27 years of varied transportation project experience
- Service on the faculty of the Department of Urban and Regional Planning at Florida Atlantic University

Specific examples of Ms. Hughes' project experience, as well as the details of her educational background, certifications, awards, professional associations, and examples of her post-graduate professional training are outlined in the attached resume.

Summary of HHI's Findings

HHI's assignment was to review the applicant's traffic analysis and determine if the analysis is adequate to support the applicant's conclusion that the area roadway network can, in fact, support the addition of 550 additional students and associated support staff without creating excessive traffic-generated travel delay and, therefore, an undue burden on the community's transportation network. (It was not, however, HHI's assignment, or place, for that matter, to usurp the role of the applicant's traffic consultant by conducting our own analysis of the traffic impacts of the existing school, the proposed 1,150-student school, or any other size school.)

As detailed in the remainder of this letter report, HHI conducted a review of the applicant's traffic analysis and made field visits to verify existing conditions. Our assessment of the applicant's analysis is that it does not establish the necessary analytical foundation to support its conclusions for the following reasons:

1. Required analyses omitted
2. Unjustified/unexplained reporting

3. Inaccurate/misleading reporting
4. Incorrect analysis/reporting
5. Unacceptable results

Detailed examples of these shortcomings follow, but the end result is that the applicant's analysis underestimates the amount of traffic on a key roadway and intersections and is otherwise flawed in its approach and factual presentation. The analysis itself, however, does illustrate that the 1,150-student school would generate traffic impacts on roadways where traffic volumes (demand) exceed roadway/intersection capacities. The applicant's projected (unacceptable) future conditions, in combination with insufficient recommended traffic mitigation, would result in negative impacts on the surrounding neighborhoods and larger community.

Analysis of Documents and Materials Presented by Applicant in Support of its Application to Increase Number of Students to 1,150

To establish a background understanding of the proposal, conditions and concerns, HHI collected and reviewed various historical documents associated with the proposed Palmer Trinity School expansion. Among those of interest in conducting our review were:

- The applicant's February 2007 traffic impact study for 1,400 students that reflected responses to Miami-Dade County Public Works review comments
- The applicant's March 2008 revised traffic impact study that reflected responses to the Village's traffic consultant's mid-February 2008 review comments
- The applicant's April 12, 2010 traffic impact study for 1,150 students
- The applicant's April 22, 2010 final traffic impact study that reflected responses to the Village's traffic consultant's April 16, 2010 review comments

The statements or findings of concern, and the reasons for those concerns are outlined below. For brevity, the applicant's traffic consultant, David Plummer and Associates, Inc., is referred to as DPA and the Village of Palmetto Bay's outside review consultant, The Corradino Group, Inc., is referred to as TCG.

1. *Required Analyses Omitted in School's (Final) Traffic Impact Study*

First Example (Comment 1) No LOS Analysis for SW 176th Street: The April 22, 2010 (final) DPA report does not provide level of service analysis for SW 176th Street, even though TCG's April 16, 2010 review questions DPA's conclusions (page 5): "Intimating that the actual LOS on 176th Street is acceptable is disputed by the Village." HHI does not agree with the eventual resolution that references to levels of service on SW 176th Street, a principal road in the school's access program, simply be deleted from the report.

Second Example (Comment 2) No Analysis of Impacts at Full Occupancy at 1,150 Students: The DPA analysis did not analyze the required horizon year (full occupancy of the proposed expansion). The only future year analyzed in the report is 2015, but according to an email from Timothy J. Plummer dated March 29, 2010, "PTS is proposing 1,150 students and expects to fill all of those student stations in the next 15 - 25 years." The Institute of Transportation Engineers publishes a manual in its Recommended Practice library entitled *Transportation Impact Analyses for Site Development* in Chapter 3, Context and Framework (page 13), the manual addresses the "horizon year(s)" for which analysis should be completed. For larger projects, those with over 500 peak hour trips, the manual states "for developments that require significant time to mature (reach full occupancy), a later year should be selected to coincide with full trip generation (that is, sometime after full build-out, allowing enough time for full occupancy to be reached). Other horizon dates should be timed to coincide with other major stages (or phases) of the overall project . . ." It is highly unlikely that the conclusions reached by DPA based on its 2015 analysis would be borne out by an analysis conducted for the correct horizon year, given the limited remaining capacity on portions of the surrounding roadway network as illustrated in DPA's report.

Third Example (Comment 3) No Analysis of Adequate "Alternative Routes": As outlined in more detail later in this report, on page 18, paragraph 4.3, the DPA report provides the following explanation for reported unacceptable levels of service: ". . . for the un-signalized intersections, the software tends to overestimate delay measurements for the side streets (minor approach). The actual delays (observed in the field) are acceptable and similar to other comparable intersections in the area. However, should the delays ever reach such a point shown by the software, motorists tend to use an alternate route, balancing demand throughout an area." When transportation analysts feel that an analytical tool used to determine levels of service is insufficient, such as at the cited SW 184th Street/SW 82nd Avenue intersection where DPA's analysis shows LOS F for the northbound movement during the morning peak hour (and other locations not cited), then the analysis should be considered incomplete and an alternative tool should be used to project future conditions. But DPA did not provide this further analysis.

If the first opinion expressed in the DPA report in this regard is incorrect and the projected poor level of service actually occurs in the future, the second opinion asserted is that drivers will simply find other routes. The standard for traffic impact evaluations is to demonstrate through analyses that adequate levels of service are projected for the year of full-occupancy of the project, and where adequate future levels of service cannot be demonstrated, recommend transportation improvements that will result in such an expectation, or at a minimum, mitigate the proposed project's impacts even if an acceptable level of service cannot be obtained. In suggesting that ". . . should the delays ever reach such a point shown by the software, motorists tend to use an alternate route, balancing demand throughout an area," at a minimum, DPA should have performed alternative analyses demonstrating that alternative routes are available, and have adequate excess capacity to accommodate this diverted traffic.

2. Unjustified/Unexplained Analysis Techniques in School's (Final) Traffic Impact Study

First Example (Comment 4) Old Cutler Road Analysis Uses 2 Different Counts: Whether inadvertent or intentional, without explanation, the Artplan Analysis for Old Cutler Road utilizes two different counts (AADTs) as sources for the morning and afternoon peak hour volumes. Unless there is a specific reason for doing so, this is not standard practice since it either shows or gives the appearance of "picking and choosing" the base data (counts) upon which the analysis is build, leaving questions as to the veracity of the results. Such analyses should be based on a typical weekday or an average of typical weekdays, not counts that were selected because of any particular reason, unless that reason is documented and evaluated as being reasonable.

Second Example (Comment 5) Roadway Capacity Measurements of Undivided Roads Insufficient: The DPA report provides levels of service for each roadway segment only by direction (i.e., the two-way levels of service are not reported). In the case of undivided roadways such as all those in this study area, this is insufficient, since the two-way capacity is not the same as the one-direction (i.e., peak direction) capacity doubled. This analysis is critical to the evaluation of future levels of service, and should be provided as a method of evaluating the impacts of the proposed expansion.

Third Example (Comment 6) Unjustified Combination of Los Analysis Methods: In analyzing Old Cutler Road, DPA utilized a combination of Artplan and Highway Capacity Manual methods without providing adequate explanation about how and why these methods were combined, and without describing the factors used such that the approach can be understood and validated. This renders the Old Cutler Road level of service analysis inconclusive. The level of service performance on Old Cutler Road, and in particular the functioning of the intersections at SW 176th Street and at SW 184th Street, is critical in evaluating the impacts of the proposed school expansion, and the

adequacy and accuracy of the evaluation techniques employed in the analysis must be demonstrated and understood, particularly given that the DPA analysis shows poor levels of service at some locations.

Fourth Example (Comment 7) Reliance on Outdated Level of Service Evaluation Software: In late 2007 or early 2008, it appears that DPA made the decision to use HCS+ v 5.2, the software which according to DPA provides unreliable results for crossing streets in unsignalized intersection analyses (see the quote in Comment 3). HCS+ v 5.2 was updated and improved five times since the utilized version was released; however, the traffic analysis to be relied upon in July 2011 in evaluating the school's proposed expansion relies upon results from this earlier version of the software (HCS+ v 5.2). Even if DPA determined that the inadequate results could be marginalized by suggesting they be ignored, DPA should have updated the analysis using the latest version of the software, HCS+T7F 5.5, in hopes that it might better predict future levels of service.

Fifth Example (Comment 8) Generalized Terms Such as "Acceptable" in Context of "Delays" and "Comparable" in Context of "Intersections" Are Not Defined: In relation to the unacceptable level of service identified by DPA for the morning peak hour at the SW 184th Street/SW 82nd Avenue intersection, the DPA report statement cited in Comment 3 says "The actual delays (observed in the field) are acceptable and similar to other comparable intersections in the area." This statement is not supported or otherwise documented. How do we know that the existing operations are acceptable? What (alternative) standard of measure was used? How exactly was the subject intersection compared to others in the area? What were determined to be "comparable intersections?" Even if we assume that the assessment is correct, how was it determined that the intersections to which the subject intersection is being compared operate at acceptable levels of service? One would be more likely to draw the conclusion that, given the results of the analysis at this intersection and the similarity in operations to other nearby intersections, that they all fail. Questions this basic should be resolved prior to concluding the evaluation of the impacts of the proposed school expansion on the area transportation network.

In a related comment, even if the questionable results of the intersection capacity analysis were found to be overstated, as DPA asserts, those results are for the year 2015.

3. Inaccurate/Misleading Reporting in School's (Final) Traffic Impact Study

First Example (Comment 9) "Inflated" LOS Reported for Intersections: The DPA report's Exhibit 18 presents a rosier picture of future levels of service than should be anticipated in the future based on the analysis shown in Appendix D. Two mechanisms were employed that obfuscate the actual outcomes reflected in the analysis. First, by showing in its summary table (Exhibit 18) levels

Betty Pegram
June 30, 2011
Page 7

of service for essentially unimpeded approaches alongside the impeded approaches, the reader views high levels of service on intersection approaches that are not determinates in the performance of the intersection, with regard to level of service and as relates to travel delay. The presence of these "results" can have the effect of diluting concern over a failing movement on an approach that is the true subject of the analysis. For example, DPA's Exhibit 18 shows levels of service for all four approaches to the SW 184th Street/SW 82nd Avenue intersection, where the two main street approaches are always going to perform well, and are therefore not the focus of the analytical results. When these two non-consequential results are removed from the summary table, as they would normally be, the remaining results present the key findings in relation to this location—that the northbound approach fails badly. This is simply more evident when normally unreported information isn't brought into the summary table

The second and more troubling mechanism employed was the reporting of overall performance of the signalized intersections, where each approach is more-or-less averaged to give an "overall" result. Only by looking at the performance of each approach, and for that matter, each movement, can the reader assess the future experience that is projected for subject intersection. An example of this is Exhibit 18's reporting of overall level of service C for both Old Cutler Road intersections analyzed, when both locations' eastbound movements fail during both peak hours.

**Intersection Analysis Results (from DPA Report)
2015 Conditions With the Project (Expansion)**

Results From DPA Report Appendix D					
Intersection	Movement	AM Pk Hr		PM Pk Hr	
		LOS	Delay (seconds)	LOS	Delay (seconds)
Signalized					
Old Cutler Rd/SW 176 St	NB	B	19.00	A	6.40
	SB	C	27.40	C	26.60
	EB	E	69.60	E	61.10
Old Cutler Rd/SW 184 St*	NBL	A	7.40	C	28.00
	NBT	C	22.60	B	14.00
	SBL	C	27.60	B	10.30
	SBT	B	11.60	C	21.70
	SBR	B	14.00	B	13.20
	EBL	E	62.50	E	57.60
	EBT	D	40.50	D	38.60
	WBL	E	55.30	D	51.10
	WBT	D	54.40	D	52.20
	WBR	D	54.20	D	53.40
Unsignalized					
SW 176 St/SW 83 Ave (two-way stop)	NB	A	8.60	A	8.70
	SB	A	9.90	A	9.40
SW 176 St/SW 82 Ave (all-way stop)	NB	A	7.52	A	6.99
	SB	A	7.60	A	7.43
	EB	A	7.78	A	7.13
	WB	A	8.19	A	7.92
SW 176 St/Sch No. Drwy (two-way stop)	NB	D	33.10	B	10.20
	SB	D	34.70	B	10.70
SW 184 St/SW 83 Ave (two-way stop)	NB	E	36.40	C	20.40
	SB	B	14.10	B	13.10
SW 184 St/SW 82 Ave (two-way stop)	NB	F	141.10	C	24.90
	SB	B	13.00	B	13.30
SW 184 St/Sch So. Drwy* (3-legged int. SB stop)	SBL	F	405.90	D	31.70
	SBR	B	11.20	B	12.10

*With recommended improvements:

Old Cutler Rd/SW 184 St:
Southbound left-turn lane
signal timing changes

Second Example (Comment 10) Reliance on “Flawed” Software Without Employment of Alternative Evaluation Techniques: The DPA analysis utilized HCS+ 5.21 to evaluate intersections in the immediate area of the school, and commented that this analytical software tool does not do an adequate job of projecting delay on unsignalized side streets. DPA report page 18, paragraph 4.3 reads “. . . for the un-signalized intersections, the software tends to overestimate delay measurements for the side streets (minor approach). The actual delays (observed in the field) are acceptable and similar to other comparable intersections in the area. However, should the delays ever reach such a point shown by the software, motorists tend to use an alternate route, balancing demand throughout an area.” As noted in Comment 3, this conclusion required further analysis. But further alternative evaluation techniques were not employed. Instead, the DPA report states simply that its projected poor future level of service is not to be believed. We cannot recall a previous technical analysis or report we have reviewed that asked the reader to accept this type of explanation for poor level of service results.

Third Example (Comment 11) Video of 4/27/10 Conditions Contradict “Observations” in DPA’s 4/22/10 Report: The 2010 DPA study says on page 8, Section 1.3 School Operations, “Drop-off and pick-up occurs in front of the school courtyard adjacent to the existing visitor parking. Vehicles enter the existing driveway on SW 176 Street, and form a queue to drop-off [sic] and pick-up [sic] students. Data was gathered during drop-off/pick-up times, and *no queue spillback to SW 176 Street was observed.*” (emphasis added) However, video-recorded existing conditions from Tuesday, April 27, 2010, already presented to the Village shows that, even with an officer directing traffic, lengthy queues develop along SW 176th Street to the east and west. The routine presence of these extensive queues, whether resulting from the drop-off/pick-up activity itself or the congestion at the driveway intersection where vehicles back up as they wait to enter or exit the school, must have been evident to DPA staff during field visits to observe existing conditions over the years DPA has assisted the school with its expansion efforts. Presenting an analysis that indicates this type of queuing does not occur is misleading at best.

Fourth Example (Comment 12) Inconsistences Between Reported Results and Those Shown in Output Sheets in Appendix D: Several of the analysis results reported in Exhibit 7 (page 13) and Exhibit 10 (page 18) of DPA’s report were incorrectly reported from the intersection capacity analyses’ software output sheets provided in Appendix D. In each case, the reported level of service is lower than that shown in the worksheets in the appendix.

4. *Incorrect Analysis/Conclusions in School’s (Final) Traffic Impact Study*

First Example (Comment 13) Incorrect Calculation of Future Trip Generation for North School Driveway: DPA incorrectly calculated the future trip generation projected the north school

driveway, and in so doing invalidated its findings related to future operations on SW 176th Street. DPA's trip generation analysis assumed that the future trip characteristics would simply be proportionate (split between the two driveways) based on the split of students assigned to each driveway. Instead, according to the DPA report, students (and staff) that will be parking for the day will all be assigned to the new south driveway. That subset of students (and staff) recorded in the 2007 driveway traffic counts represent only one inbound trip in the morning (i.e., they generated no outbound trip during the morning peak hour), and only one outbound trip in the afternoon (i.e., they generated no inbound trip during the afternoon). (In traffic analysis, the inbound trip is separate from the outbound trip, including as applied to parents dropping off students where each creates two trips: the inbound trip, and after dropping off the student, the outbound trip.)

However, when the proposed driveway assignment program is implemented, all students trips assigned to use the north driveway will also exit the north driveway because, according to the proposed plan, all vehicular activity at the north driveway will be short-term entry (not parking for the duration of the day). This oversight has resulted in a proportionately vast understatement of north driveway traffic, and in all likelihood has essentially eliminated the benefits of the proposed windshield sticker program.

Second Example (Comment 14) No Evidence of "Significant" Reduction in Sw 176th Street Traffic: The DPA report's Conclusions section (final paragraph, page 35) states that "The impacts of the proposed Palmer Trinity School expansion, with its main access at SW 184 Street and restricted access at SW 176 Street, will result in *significantly less traffic* during peak hours on SW 176 Street and the surrounding neighborhood streets." There is evidence to the contrary presented throughout the DPA report. We are unsure how adding nearly 700 trips in the morning peak hour and over 300 trips in the afternoon peak hour to SW 184th Street directly (see Exhibit 16) can possibly "result in . . . less traffic," much less can we imagine what "significantly" is intended to mean. This statement seems to be inspired in part by the analysis' assertion that traffic on SW 176th Street is reduced. But when DPA's project trip generation analysis is corrected, as outlined above, this reduction is anticipated to be minimal, and certainly not a sufficient amount of trip reduction to begin to justify the additional load on SW 184th Street, if such a burden transferal is acceptable at all.

5. *Unacceptable Results in School's (Final) Traffic Impact Study*

First Example (Comment 15) Minimum LOS at 4 Intersections Not Met with 1,150 Students: DPA's analysis shows that future conditions with the school expansion would result in additional traffic on over-capacity intersection movements. As shown in the restated summary on page 8 of this report, DPA's intersection analysis results indicate that, in 2015, four intersections have

movements that fail to meet their respective required minimum levels of service even with the recommended improvements suggested by DPA.

Second Example (Comment 16) Sw 176th Street Conditions Will Continue to Be Unacceptable with 1,150 Students: As noted earlier, the April 27, 2010 video demonstrates morning peak hour conditions at the north driveway serving all 600 students and associated staff, with the assistance of an off-duty police officer directing traffic. Notwithstanding the DPA report's assertion that traffic will be dramatically reduced at the north driveway under the windshield sticker program, we have concluded that future volumes at this location will be approximately the same as existing conditions, once the trip generation analysis is corrected as described above. Taken together, these two observations (unacceptable existing conditions as documented in the video and future traffic volumes similar to existing) inform us that the future conditions on SW 176th Street will continue to be unacceptable. The DPA report neither examined conditions on SW 176th Street nor recommended improvements beyond the windshield sticker program.

Other Observations of Note

The school employed a traffic officer to direct traffic at the existing school driveway connection to SW 176th Street, as shown in the Tuesday, April 27, 2010, video, beginning approximately two weeks before the May 4, 2010 Village public hearing. According to some in attendance at the May 4, 2010 hearing, the purpose of this two-week assignment was to demonstrate to area residents and Village staff and officials the improvement such a traffic management approach could make on existing traffic conditions. Unfortunately, although area residents have requested the assistance of a traffic officer at this location for years, the employment of a traffic officer was discontinued the day after the May 4, 2010 hearing.

The school proposes to utilize an off-duty police officer in perpetuity (see DPA report Appendix A, page 1), but does not indicate when that practice would start, or why such an expense would be warranted if, as the DPA report concludes, traffic operations at the north driveway are acceptable today and will improve with the school expansion.

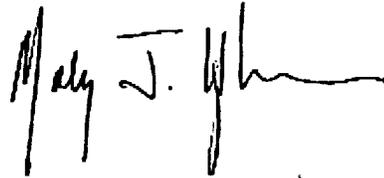
Finally, we are stumped by the idea that, rather than requiring the implementation of mitigation on failing intersection movements where necessary, the responsibility should be placed on drivers to simply avoid such intersections. This is neither standard nor professional. Further, it pushes our imagination as to how residents in the immediate area can be expected to drive around an intersection down the street from their home most every weekday for three-quarters of the year.

Betty Pegram
June 30, 2011
Page 12

As stated at the outset of this report and illustrated in the above concerns, the DPA report is flawed in its approach and factual presentation. The DPA analysis itself, however, illustrates that the 1,150-student school would generate traffic impacts on roadways where traffic volumes (demand) exceed roadway/intersection capacities. The applicant's projected (unacceptable) future conditions, in combination with insufficient recommended traffic mitigation, (without consideration of the underestimation of project traffic) would result in negative impacts on the surrounding neighborhoods and larger community.

If you have any questions regarding any of the above, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Molly J. Hughes". The signature is fluid and cursive, with a horizontal line extending to the right.

Molly J. Hughes, AICP, PTP, AVS
President

063011 report.wpd
Attachment

MOLLY J. HUGHES, AICP, PTP, AVS

President

Hughes Hughes Inc., Transportation Engineers & Planners



HUGHES HUGHES INC.

PROFESSIONAL EXPERIENCE

Ms. Hughes has over 27 years' transportation consulting experience. She is owner and principal of Hughes Hughes Inc., a traffic and transportation consulting firm she established in 1996. Over this period, she has managed and directly supervised over 30 professional transportation planners and traffic engineers. She has assisted private and municipal clients in a variety of transportation-related land use matters including traffic concurrency and parking studies for site plan approvals, rezonings, Land Use Plan amendments, Developments of Regional Impact, a Florida Quality Development, and Department of Community Affairs Binding Letters. She had prepared the Transportation Element for local Comprehensive Plans and corridor analyses for the Florida Department of Transportation. She has assisted private and public clients with right-of-way acquisition, condemnation, and vacations, and with driveway permitting.

She is certified by the American Institute of Certified Planners, and by the Institute of Transportation Engineers' Transportation Professional Certification Board as a Professional Transportation Planner. She is also certified by SAVE International as an Associate Value Specialist, and has participated in a number of value engineering workshops. Her collaboration with other agency personnel in 2000 won her an Exemplary Partners Award from the American Association of State Highway and Transportation Officials for her contributions to savings of over \$23M on the SR 7 Roadway Widening Project in southern Broward County.

Ms. Hughes has participated in the development and implementation of various land development regulations including a wide-ranging set of recommended revisions to the parking regulations for Martin County, Florida; parking and traffic study guidelines for the City of Wilton Manors, Florida; parking, driveway and residential street treatments for the City of Hallandale Beach, Florida, as a part of its Design Guidelines Manual; and as an outside municipal transportation review consultant to the cities of Fort Lauderdale, Dania Beach, Town of Jupiter, Southwest Ranches and Hallandale Beach. She has also served as an expert witness in court proceedings where municipal zoning regulations were challenged and upheld.

Ms. Hughes was the originator of the first transit-oriented traffic mitigation program approved by the Broward County Commission. The County was so enthused by this demonstration of the potential to redirect developer-sponsored traffic mitigation from roadway improvements to transit improvements, that it rewrote its land development regulations and amended its Comprehensive Plan to require future development projects to mitigate new traffic impacts by improving transit service. The result is the State's first Transit-Oriented Development transportation concurrency program.

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Zoning Department

7/1/2011 4:00 PM

Village of Palmetto Bay
Building & Zoning Department

By:

Long involved in transportation-related policy issues, Ms. Hughes also assisted Florida Legislators in drafting ELMS III concurrency management legislation that significantly enhanced concurrency management in the State of Florida.

In addition to operating her firm, Ms. Hughes is or has served as the retained traffic consultant for a number of municipal governments in South Florida and on the faculty of the Department of Urban and Regional Planning at Florida Atlantic University.

Ms. Hughes has spoken at various local and statewide forums and conferences including a Florida Redevelopment Association Conference, a Florida (FAPA) Planning Conference, a South Florida Regional Planning Council Development of Regional Impact Conference, and a Leadership Broward Urban and Environmental Systems Day.

Ms. Hughes has managed or participated in projects under the jurisdictions of the South Florida, Southwest and Treasure Coast Regional Planning Councils, and she maintains extensive contacts with officials and staff of Brevard, Broward, Collier, Dade, Lee, Martin, Monroe, Palm Beach and St. Lucie Counties. She is known locally and in Tallahassee as a "strategic thinker," devising partnerships between sometimes competing parties to accomplish disparate goals through transportation projects. She has won the respect and appreciation of South Florida City and County Commissioners for her public involvement skills which incorporate education, understanding, consideration and compromise.

Previous professional experience includes transportation planning and traffic engineering consulting in South Florida with Calvin, Giordano & Associates, McMahon Associates and David Plummer and Associates, as well as planning consulting with the Center for Urban Affairs in Birmingham, Alabama.

PROFESSIONAL CERTIFICATIONS

Certified Planner, American Institute of Certified Planners (AICP), Certification Number 019226
Professional Transportation Planner (PTP), Institute of Transportation Engineers' Transportation
Professional Certification Board, Certificate Number 13
Associate Value Specialist (AVS), SAVE International, Certification Number 20041039

EXPERT WITNESS EXPERIENCE

Expert witness testimony in trial, depositions, and before administrative agencies and local governments. Examples include:

Larry Liner, etc. vs. Workers Temporary Staffing, Inc. - Case No.s CACE 04-09205 (4)
(2005)

Restigouche, Inc. vs. Town of Jupiter - Case No. 94-4049, 1990-1991.
Martin County vs. Section 28 Partnership, Ltd. - Case No. 92-569 CA, 1996.

AWARDS

Exemplary Partners Award, American Association of State Highway and Transportation Officials,
2000, for SR 7 Value Engineering
President's Award, Builder's Association of South Florida, 1992

PROFESSIONAL TRAINING

AASHTO Value Engineering Conference (Award Winner)
Florida Redevelopment Association/Florida Main Street Annual Conference (Speaker)
Linking Land Use and Transportation, Lincoln Institute of Land Policy
International Conference on Traffic Congestion, Institute of Transportation Engineers
Seminar on Florida Standard Urban Transportation Model Structure (FSUTMS), FDOT
HCS Plus Training

EDUCATION

Master of Arts in Urban Affairs/Planning, University of Alabama, 1983
Bachelors of Science in Recreation Administration, University of Alabama, 1975

PROFESSIONAL AND CIVIC ASSOCIATIONS

Institute of Transportation Engineers - Member
American Planning Association - Member
SAVE International - Member
Urban Land Institute - Past Member
Florida Redevelopment Association - Past Member
Moving Broward - Member
EV (Electric Vehicle) Ready Broward - past Board Member; past Co-Chair, Charging Infrastructure
Committee
Builders Association of South Florida - past Board Member; past Chair, Builder Industry Political
Action Committee; past Chair, Traffic Committee
Broward Educational Planning Initiative - Legal/Legislative Committee

PROJECT AND TECHNICAL EXPERIENCE

Municipal Services

Traffic and Transportation:

Lauderdale-By-The-Sea Traffic Consultant - Conduct assignments as requested, including observing special event traffic and pedestrian conflicts, downtown vehicular circulation, traffic calming for Imperial Lane residents, investigation of local speeds and pedestrian crossing controls, and participation and agency coordination for University of Miami Charrette.

City of Ft. Lauderdale Traffic Consultant - Conduct site plan and traffic study reviews on an ongoing basis for the City's DRC process, including preparation of reports to the Planning and Zoning Board and the City Commission. Project reviews assigned to HHI have included Las Olas City Centre Review, Granada Garden Hotel Traffic Impact Study Review, Gold Coast Resort Traffic Impact Study Review, Cypress Park West Traffic Impact Study Review, Home Depot Traffic Impact Study Review, Harbor Shops, Pine Crest School Parking Reduction Review, Palazzo Las Olas, Lafayette, Oceanside and Middle River Hotel.

Town of Southwest Ranches Traffic Consultant - Conduct traffic study reviews for Land Use Plan Amendments, rezoning applications and site plan approvals on an ongoing basis for the Town's permitting process, including preparation of reports to the Planning and Zoning Board and the Town Council. Prepare traffic calming plans for various neighborhoods within the Town.

Town of Jupiter Traffic Study Review Consultant - Conducted traffic study reviews for WCI's Parcel 19 Residential Development Land Use Plan Amendment, rezoning application and traffic concurrency, including preparation of reports to the Planning and Zoning Board and the Town Council.

City of Dania Beach Traffic Consultant - Conducted traffic study reviews for Land Use Plan Amendments, rezoning applications and site plan approvals on an ongoing basis. The work included preparation of reports to the Planning and Zoning Board and the City Commission. Among the projects reviewed were the International Game Fish Hall of Fame/Bass Pro Shoppes, Tanger Factory Outlet Center, Dania Beach Boulevard Publix Supermarket, Hilton Garden Inn, Broward Linen Building, Conference Center & Hotel, Pilot Travel Center, Gaeta Center, American Off-shore Marina, Storage Mart, Ravenswood Convenience Store, Sheridan Street Walgreens, and the Sleep Inn. Other responsibilities included investigating phasing and timing of the Phippen Road/Stirling Road traffic signal, which provides access to a neighborhood, representing the City in its interface with FDOT on such projects as the Sheridan Street/I-95 Traffic Operations improvements, and development of the City's Transportation Element of its Comprehensive Plan.

Project Specific Municipal Services:

Dania Beach Mobility Program - Developed a new program responsive to the 2010/2011 State Legislative initiatives to return transportation concurrency decisions, responsibilities and implementation to local governments. The program provides a voluntary program, in concert with appropriate motivations, to entice developers to construct projects that support multi-modalism and green initiatives established at the Federal and State levels. In addition to the development of the program and its applications and procedures, the work included revisions to the City's Comprehensive Plan and Land Development Regulations that implement the program and provide incentives to motivate development of the desired type.

Martin County Parking Code Revisions - Rewrote the "Parking & Loading" Section of Martin County's Land Development Regulations including revised parking rates, updated parking design and related provisions that set new policies regulating the provision of parking. In an effort to encourage "green" development, the Board of County Commissioners wished to reduce the required amount of parking on a land use by land use basis, where possible, and institute other policies such as shared parking to further this goal and to better utilize provided parking. The project included an evaluation of the existing Code provisions, presentation of current and cutting edge parking principals of relevance to Martin County and its CRAs, development of a theoretical application to a Martin County community demonstrating the viability of some of the new elements, and final approval of the proposed Parking Code section by the Board of County Commissioners.

Wilton Manors Parking Code Revisions - Prepared revisions to the City of Wilton Manors' Land Development Regulations relating to parking. The revisions included changes to achieve consistency within the Code of Ordinances, and focused on improvements to readability and clarity of application.

Hallandale Beach Design Guidelines Manual - Participated on a team of specialist charged with updating and rewriting citywide guidelines, focusing on the urban character of the City and its redevelopment potential. Site access and parking issues were addressed.

Expert Witness

Larry Liner, etc. vs. Workers Temporary Staffing, Inc. - Case No.s CACE 04-09205 (4) (2005). On behalf of Workers Temporary Staffing, Inc. served as an expert witness in this class-action complaint, providing competent and substantial evidence relating to transportation options and costs upon which the case was decided. On matters related to Workers, the testimony was relied upon in decisions by both the Fourth District of Appeals (Case No. 4D05-4729, 2007) and the Supreme Court of Florida (Case No. SC07-1470, 2008).

Restigouche, Inc. vs. Town of Jupiter - Case No. 94-4049, 1990-1991. On behalf of the

Town of Jupiter, reviewed the development review record of Maplewood Development of Regional Impact, the Indiantown Road Overlay Zoning District regulations, and other supporting traffic and land use studies, and provided expert witness testimony for deposition in the Town's successful defense of its Zoning District and associated denial of a Development Order which was incompatible with District zoning.

Martin County vs. Section 28 Partnership, Ltd. - Case No. 92-569 CA, 1996. On behalf of Martin County, Florida, served as an expert witness in the taking-related case clarifying the Bert J. Harris Act. The asserted taking was found to be without merit since the County was able to establish that other reasonable uses could be developed on the site.

NE 19 Street Alley Condemnation - Case No. n/a, 2002. On behalf of the City of Fort Lauderdale, served as expert witness in the condemnation of land needed for a public multi-use (bike and pedestrian) path connecting bike paths and sidewalks along SR A-1-A on Ft. Lauderdale Beach with a proposed multi-use path along NE 33 Avenue.

Right-of-Way Acquisition Team, Office of the Attorney General (Florida) - Various right-of-way taking cases, early 1990s. On behalf of the State's Attorney General and the Florida Department of Transportation, under a continuing services contract, performed traffic analyses for the State's right-of-way acquisition team assembled by the State's Attorney General Office, which provided parallel acquisition activities augmenting the Florida Department of Transportation's right-of-way acquisition efforts. Projects assigned included extensive widening acquisitions for the Palmetto Expressway in Miami-Dade County.

Transportation Policy

Ms. Hughes has been a leader in state-wide policy development. She assisted State Legislators in drafting the 1995 growth management legislation known as ELMS 3, which significantly advanced traffic concurrency management practices in the State of Florida. Through individual project opportunities, she has helped establish the next level of private sector traffic mitigation options. Because of her creativity and leadership in these areas, she has been invited to speak at numerous regional and statewide forums and conferences on various urban transportation planning concepts that begin to harmonize the natural dissonance between routine transportation engineering practices and cost-feasible solutions to urban challenges.

North Lauderdale Community Bus Service - Designed and obtained governmental approval for the first traffic concurrency mitigation plan to privately fund a Community Shuttle Service to meet project traffic concurrency. Two projects located in western Broward County provided funding to mitigate their traffic impacts on several extremely congested but fully improved roadway corridors in suburban South Florida. The mitigation plan resulted in the establishment and implementation of the Community Shuttle Program in North Lauderdale. The program benefitted from a modest

annual governmental grant and is operated by the municipal agency.

The mitigation approach caught the attention of Broward County's top administrators, who have directed County staff to establish parameters and guidelines to focus all future trip mitigation toward transit solutions.

New River Center Florida Quality Development - Preparation of the response to FQD/ADD Question 31, Transportation, involving urban transportation modeling, regional traffic impact analysis, and trip mitigation plan for the Tribune Company/Stiles Corporation 6-acre mixed-use project in downtown Ft. Lauderdale. The mitigation plan was developed for a one million square-foot office complex that also included 35,000 square feet of retail space and a 400-room hotel. Currently the site of the 250,000-square-foot Sun-Sentinel Building and the 287-unit River House condominium tower, the project was the first in Florida to propose and gain approval for developer-funded transit as trip mitigation. To reduce total trips on Broward Boulevard, project owners agreed to fund the downtown feeder bus system connecting to the Broward Boulevard/I-95 Tri-Rail station. State law, which previously limited traffic mitigation to construction of roadways and roadway improvements, had to be changed to allow this application of funds.

Another first was approval of additional trip mitigation funds committed to a non-transportation facility (the construction of Riverwalk in the heart of downtown) that was shown by HHI to delay drivers from joining traffic flow during the heaviest travel period. The highly successful plan has effectively delayed many day-timers in departing for the suburbs until after the peak period ends, and serves as a catalyst for further downtown nightlife development which increases the degree of success. State law had previously limited traffic mitigation to construction of roadways and other roadway improvements.

SR 7 Value Engineering/Corridor Redevelopment Initiative - Represented the City of Miramar in a Value Engineering exercise with FDOT District 4 engineers for the U.S. 441 widening project in southern Broward County, adjacent to the City of Miramar. As a solution to the two agencies' conflicting interests of maximum land redevelopment vs. maximum right-of-way taking, Ms. Hughes devised a mutually beneficial right-of-way acquisition and revitalization program to utilize approximately \$35 million in FDOT right-of-way funds for City of Miramar revitalization and redevelopment efforts along the corridor. The program partnered the City's redevelopment authority and condemnation rights with FDOT's right-of-way acquisition funds to reduce right-of-way acquisition costs, with the City being responsible for condemning the needed right of way as part of the condemnation of the larger redevelopment area, but at a lower cost.

The American Association of State Highway and Transportation Officials presented the Value Engineering team with its Exemplary Partners Award, 2000 for the effort. Later that year, Ms. Hughes presented a program detailing the approach at the Statewide Conference of the Florida Redevelopment Association as a way to leverage transportation dollars to "jump start" reinvestment along mature urban corridors.

Downtown Miami Development of Regional Impact (DDRI) - Assisted in preparation of one of the first Downtown DRIs performed in the state. In addition to typical long range traffic forecasting and evaluation, the project required quantification of the impacts of MetroRail on the roadway network, estimates of future average auto occupancy, and acceptance of LOS E at certain locations within the downtown. Among other restrictions placed on the downtown transportation system by the approval of the DDRI, construction of future parking facilities in downtown Miami was prohibited. The policy was implemented the year after Miami's MetroRail began operations, and is credited today for the high ridership maintained by the MetroRail system.

Transportation Planning

Ft. Lauderdale Beach Transportation Study - Preparation of a long range assessment of roadway capacity along SR A-1-A and development of a program of phased roadway and transit improvements to facilitate peak traffic demand through the year 2014. The study was performed during a 90-day moratorium initiated by the City of Ft. Lauderdale to determine the feasibility of approving additional redevelopment along Ft. Lauderdale beach. Recommendations included adding northbound lanes along Seabreeze Boulevard between Las Olas Boulevard and the Oasis Café, adding an additional northbound lane on SR A-1-A between Harbor Drive and the Oasis Café, and other related operational improvements. Transit improvements included satellite parking facilities coupled with a circulating transit system. Neighborhood traffic operation improvements including traffic roundabouts, turn lanes, traffic signal modifications, and associated landscape and streetscape improvements. Study recommendations were unanimously approved by the City Commission, and were funded in excess of \$15 million by the City and the Florida Department of Transportation. The improvements are currently under final design.

Port Everglades Master Plan - Preparation of the surface transportation component of a major, Year 2010 planning effort for Port Everglades. Responsibilities included development of a Port-wide transportation model (using SYNCHRO and TSIS software), calibration of the model, assessment of existing surface transportation conditions within the Port and evaluation of the transportation impacts of such future developments as the proposed Florida East Coast Railroad's Intermodal Cargo Transfer Facility. Assisted the Master Plan team in the identification of transportation improvements that support the expanding cruise and cargo businesses. Recommendations included the development of a mass-transit based Airport-Seaport connector for cruise ship passengers, the use of off-site parking lots for cruise ship passengers arriving by automobile, and re-use of existing rail lines within the Port for "people movers." In addition, assisted the team in the development of vehicle access plans for proposed new terminal facilities.

Downtown Ft. Lauderdale Transportation Master Plan (UDATS Study) - Preparation of a long range transportation plan for the City's downtown addressing transportation, access and circulation needs through 2015. A pilot project funded by FDOT, the City of Ft. Lauderdale and the Downtown Development Authority intended to unite transportation planning for the area, the three-

year study utilized Broward County's FSUTMS model and recommended physical improvements in combination with Transportation Demand Management/Transportation System Management techniques.

Broward Coliseum - Preparation of the transportation assessment for the City of Ft. Lauderdale's proposed Broward Coliseum site. Located in the northwest quadrant of I-95 and Broward Boulevard, the site was to use existing I-95/Park and Ride interchange ramps. Regional multi modal transportation systems serving the site were identified and analyzed. In addition, I-95 mainline and interchange capacities and operations were analyzed under existing and future conditions for the peak hour and several off-peak hours. Laneage, signal timing/phasing, and merging and weaving analyses were performed. On-site operations were also analyzed to determine adequate ingress and egress. Estimates of actual time required to fill and empty the site's parking facilities were also conducted. Necessary roadway improvements and operational needs were identified.

Arts Park at Young Circle - Evaluation of traffic and pedestrian circulation and access in the immediate area of Young Circle in downtown Hollywood, Florida. The project involved analysis of existing traffic and pedestrian movements along Federal Highway and Hollywood Boulevard, assessing future City roadway improvements in the area, and relating vehicular and pedestrian access to the future Arts Park improvements. Recommendations were made regarding revised laneage and pedestrian crossings that provided enhanced pedestrian movement through the area, including wider pedestrian walkways.

Diplomat Resort and Country Club Master Plan - Evaluation of various existing and proposed driveway access locations, on-site internal circulation plans, and parking garage evaluations for the 1,000-room hotel. The project, which replaced the smaller historic Diplomat, also includes 107 oceanfront condominiums, 200,000 square feet of conference center space, 60,000 square feet of retail space and 1,000 parking spaces. The project also included obtaining traffic concurrency for the new Diplomat.

Palm Beach County ATMS Master Plan - Developed first comprehensive inventory of all traffic signals in Palm Beach County including pedestrian signals, bridge signals and emergency vehicle signals. Constructed logical database to provide simple user access to all collected information. Prepared a review of laws and ordinances which could impact County and FDOT plans for future Advanced Transportation Management Systems.

Healthsouth Rehabilitation Facilities Certificates of Need - Evaluation of travel times within the service areas of two facilities seeking Certificates of Need for additional rehabilitation beds. The facilities are located in Largo, Florida and south Dade County, Florida.

Traffic Impact Studies/Traffic Concurrency Studies

The Symphony - Preparation of the traffic impact study for the 369-unit, two tower complex located in Ft. Lauderdale, considering the surrounding roadway network as well as pedestrian circulation. The project included development of a strategy for protecting the adjacent Sailboat Bend neighborhood from project traffic infiltration. Through these efforts, the project was able to win support of neighborhood leaders that eventually lead to overwhelming support of the City Commission.

Village at Sailboat Bend - Preparation of the traffic impact study for 215 townhouses, 40 Art Space apartments including renovation of the closed Westside School, and six single family homes to be located on the old School Board site in Sailboat Bend near downtown Ft. Lauderdale. The study focused on the surrounding roadway network and included development of a traffic calming strategy for protecting the neighborhood from speeding motorists and cut-through traffic. Through these efforts, the project won the support of neighborhood leaders, and overwhelming support of the City Commission.

Publix Downtown Ft. Lauderdale - Preparation of traffic study and traffic signal modifications for the Andrews Avenue/SW 6 Street Publix Supermarket in downtown Ft. Lauderdale. The work included evaluation of alternative access driveway locations to determine the optimal location for the up-ramp/driveway to the garage parking levels. Challenges including balancing the shape and size restraints of the urban site with safety of the public traveling to and past the site.

L'Ambiance Beach Ft. Lauderdale - Preparation of traffic study for the 126-unit 25-story luxury high-rise condominium located at 4240 Galt Ocean Mile on Ft. Lauderdale Beach. The infill project replaces the Day Inn motel. The outstanding and challenging design was completed by Sieger Suarez Architectural Partnership and included pedestrian walkways and bicycle paths.

Diplomat Resort and Country Club Master Plan - Evaluation of various existing and proposed driveway access locations, on-site internal circulation plans, and parking garage evaluations for the 1,000-room hotel. The project, which replaced the smaller historic Diplomat, also includes 107 oceanfront condominiums, 200,000 square feet of conference center space, 60,000 square feet of retail space and 1,000 parking spaces. The project also included obtaining traffic concurrency for the new Diplomat.

Broward County Transportation Concurrency Studies - Preparation of traffic concurrency evaluations for the Land Section 8 Plat in Tamarac, the McHugh Plat in Davie, the Delegal Plat in North Lauderdale, the Collins Parcel Plat No. 2 in Dania Beach, the Oriole Commercial Plat in Margate, the New Diplomat Hotel in Hollywood, Riverwalk Place in downtown Ft. Lauderdale, the Trackside Plat in Ft. Lauderdale, the MAE Plat in Ft. Lauderdale, the Unique Plaza Plat in Pompano Beach, the NCL Plat in Dania Beach, the Nova Plat in Davie, the Jacaranda West Parcel 12 Plat in Plantation, the C&P Properties Plat in Sunrise, the ACLF Plat in Pembroke Pines and various other sites in Broward County.

Broward County TRIPS Model Monitoring - Review and analysis of draft County TRIPS Model Updates undertaken on behalf of the Downtown Development Authority of Ft. Lauderdale. The reviews and subsequent discussions with County staff resulted in increased roadway capacity which accommodated additional future development in the downtown Ft. Lauderdale area.

Martin County Transportation Concurrency Studies - Preparation of traffic impact studies and concurrency evaluations for Vista Plaza, Pioneer Roofing Tile, Deggeller Square Shoney's Restaurant, Manatee Plaza, Cocoplum Park Plaza, Windam Square, Spinnaker Point, and various other projects in Martin County, Florida.

Developments of Regional Impact

Oakwood Plaza Development of Regional Impact (DRI) Substantial Deviation - Preparation of a response to DRI/ADA Question 21 involving urban transportation modeling and regional traffic impact analysis for the 129-acre commercial project in Hollywood, Florida. Broward County's FSUTMS model was used to forecast 1997 traffic for the shopping center which included 725,000 square feet of retail space, 314,000 square feet of warehouse space, 30,000 square feet of flex space, a 64-lane bowling alley, 14-screen movie theater complex, health club and service station/convenience market.

Lyons Corporate Park Development of Regional Impact (DRI) - Preparation of a response to DRI/ADA Question 31 involving urban transportation modeling and regional traffic impact analysis for a 77-acre business park located in Coconut Creek, Florida. The park includes an 861,000 square-foot employment center and 210,000 square feet of office space.

SeaWind Development of Regional Impact (DRI) - Preparation of response to DRI/ADA Question 21 involving urban transportation modeling and regional traffic impact analysis for the 6,400-acre mixed-use development in central Martin County, Florida. Martin County's FSUTMS model was used to forecast future traffic for 2020 for the new town which will include up to 7,500 dwelling units and 2 million square feet of commercial and public facilities. The five-phase project required hundreds of roadway link and intersection analyses.

Yamato Plaza Development of Regional Impact (DRI) - Preparation of a response to DRI/ADA Question 31 involving urban transportation modeling and regional traffic impact analysis for the 275,000 square-foot shopping center located in Boca Raton. The work included conceptual design of the proposed Yamato Road/Military Trail urban interchange.

Hollywood Harbour Development of Regional Impact (DRI) - Preparation of a response to DRI/ADA Question 31 involving urban transportation modeling and regional traffic impact analysis for a 68-acre marine development in Port Everglades, Florida. The project includes a 375-room hotel, a 600-slip marina, 400,000 square feet of office space and 100,000 square feet of retail

space.

84 South Development of Regional Impact (DRI) Substantial Deviation - Preparation of a response to DRI/ADA Question 31 involving trip generation reassessment and reassignment for a partially completed business park in Sunrise, Florida. The effort resulted in a determination that the revised master plan generated no additional roadway impacts.

Ft. Lauderdale-Hollywood International Airport Development of Regional Impact (DRI) Review - Review of the DRI's traffic analysis on behalf of the City of Dania Beach. The review included methodology, community impacts, access issues, and land use/traffic circulation compatibility concerns.

Downtown Miami Development of Regional Impact (DDRI) - Assisted in preparation of one of the first Downtown DRIs performed in the state. In addition to typical long range traffic forecasting and evaluation, the project required quantification of the impacts of MetroRail on the roadway network, estimates of future average auto occupancy, and acceptance of LOS E at certain locations within the downtown. Among other restrictions placed on the downtown transportation system by the approval of the DDRI, construction of future parking facilities in downtown Miami was prohibited. The policy was implemented the year after Miami's MetroRail began operations, and is credited today for the high ridership maintained by the MetroRail system.

Land Use and Roadway Plans and Amendments

City of Dania Beach Transportation Element - Prepared the City of Dania Beach's Transportation Element of its Comprehensive Plan. An expansion of the outdated Traffic Element, the work addressed all transportation modes within the City, including the Ft. Lauderdale-Hollywood International Airport and portions of Port Everglades, as well as all recently annexed land from Broward County.

Lake Park Annexation Amendment - Preparation of analysis evaluating the traffic-related effects of the Town's annexation of a 214-acre parcel designated in the Future Land Use Plan for residential, industrial and commercial uses. Represented the Town before Palm Beach County staff and Commissioners. The 2010 analysis was reviewed by Palm Beach County and the Florida Department of Community Affairs, and resulted in the resolution of long standing grievances between the Town of Lake Park and the City of Palm Beach Gardens.

City of Fort Lauderdale PUD Ordinance - Preparation of the parking and transportation aspects of the City of Fort Lauderdale's Planned Unit Development zoning classification adopted by the City in 2005.

Oakridge Country Club Land Use Plan Amendment - Preparation of traffic analysis to convert

a 30-acre site located in Dania Beach, Florida from residential to commercial use. The traffic analysis evaluated the impacts of the change in land uses on the regional transportation facilities in 1996 and 2010.

Downtown Ft. Lauderdale Service Volume Recalculations - Collection and compilation of data for approximately a dozen corridors serving the Ft. Lauderdale downtown area. Input values were derived for a planning level of service analysis using methodologies outlined in FDOT's Level of Service Standards and Guidelines Manual. The resulting revised service volumes were adopted by Broward County for use in its TRIPS model and traffic concurrency management system.

Downtown Ft. Lauderdale Level of Service Comprehensive Plan Amendment - Preparation of transportation analyses supporting Broward County's Comprehensive Plan Level of Service ("Urban Core") Amendment for downtown Ft. Lauderdale on behalf of the Downtown Development Authority. The Amendment allowed a reduction in level of service from LOS D to LOS E on roadways serving the downtown area and provided additional capacity on the 110% Maintain facilities within the area.

Urban Design Guidelines/Land Development Regulations

Dania Beach Mobility Program - Developed a new program responsive to the 2010/2011 State Legislative initiatives to return transportation concurrency decisions, responsibilities and implementation to local governments. The program provides a voluntary program, in concert with appropriate motivations, to entice developers to construct projects that support multi-modalism and green initiatives established at the Federal and State levels. In addition to the development of the program and its applications and procedures, the work included revisions to the City's Comprehensive Plan and Land Development Regulations that implement the program and provide incentives to motivate development of the desired type.

Martin County Parking Code Revisions - Rewrote the "Parking & Loading" Section of Martin County's Land Development Regulations including revised parking rates, updated parking design and related provisions that set new policies regulating the provision of parking. In an effort to encourage "green" development, the Board of County Commissioners wished to reduce the required amount of parking on a land use by land use basis, where possible, and institute other policies such as shared parking to further this goal and to better utilize provided parking. The project included an evaluation of the existing Code provisions, presentation of current and cutting edge parking principals of relevance to Martin County and its CRAs, development of a theoretical application to a Martin County community demonstrating the viability of some of the new elements, and final approval of the proposed Parking Code section by the Board of County Commissioners.

Wilton Manors Parking Code Revisions - Prepared revisions to the City of Wilton Manors' Land Development Regulations relating to parking. The revisions included changes to achieve consistency

within the Code of Ordinances, and focused on improvements to readability and clarity of application.

Hallandale Beach Design Guidelines Manual - Participated on a team of specialist charged with updating and rewriting citywide guidelines, focusing on the urban character of the City and its redevelopment potential. Site access and parking issues were addressed.

Access/Circulation

Broward County Convention Center Expansion - Analyzed traffic operations expected to result from a 30,000-square-foot expansion of the Broward County Convention Center located at Port Everglades. Constraints were imposed by the need to continue providing access to the existing Convention Center throughout the duration of the expansion construction. Developed a Maintenance of Traffic plan which was used to maintain access to, and through, the site during construction.

Nova Southeastern University Library - Developed mitigation measures to satisfy the transportation-related concurrency requirements for the largest research library in the State, a joint project with Broward County, Florida's Library Division. The library serves the University as well as the general public. In the process, resolved concurrency requirements for the remainder of the University campus' expansion plans. Provided traffic data required to prepare an Air Quality Analysis to the Air Quality Consultant.

Publix Downtown Ft. Lauderdale - Preparation of traffic study and traffic signal modifications for the Andrews Avenue/SW 6 Street Publix Supermarket in downtown Ft. Lauderdale. The work included evaluation of alternative access driveway locations to determine the optimal location for the up-ramp/driveway to the garage parking levels. Challenges including balancing the shape and size restraints of the urban site with safety of the public traveling to and past the site.

BankAtlantic Drive-Through Windows - Preparation of independent drive-through operations study to determine average queue length per drive-through window typical of thrift institutions. The study considered three existing sites, and was approved by the City of Boca Raton, establishing the City's standard for thrifts. The Federal Highway BankAtlantic was constructed to the newly-established standard.

North Lauderdale Beach Traffic Circulation Plan - Preparation of a assessment of current vehicular, pedestrian, and bicycle circulation issues registered at extensive public participation meetings held in the neighborhood. Recommended improvements included specific locations for new bicycle lanes, creation of a cul de sac to close a local road, specific locations for narrowing local roads, specific locations for new sidewalks, implementation of a roundabout, potential signalization of a central neighborhood entrance. Study recommendations were approved by the City

Commission, and implementation has begun.

Diplomat Resort and Country Club Master Plan - Evaluation of various existing and proposed driveway access locations, on-site internal circulation plans, and parking garage evaluations for the 1,000-room hotel. The project, which replaced the smaller historic Diplomat, also includes 107 oceanfront condominiums, 200,000 square feet of conference center space, 60,000 square feet of retail space and 1,000 parking spaces. The project also included obtaining traffic concurrency for the new Diplomat.

Renaissance on the Ocean - Preparation of access, circulation and street vacation analyses for the two tower, 208-luxury condominium unit project in the City of Hollywood. Developed by the Deckelbaums, the \$85 million project benefitted from a court-ordered development order, but needed neighborhood support for local road closures to unite the site.

Sabal Pines Park - Participation in master planning of the City of Coconut Creek's newest regional park. Safety and traffic operations were primary objectives. Traffic filtration through the neighborhood to access the park was also addressed. Special attention was devoted to locating parking/loading/unloading activities to avoid having children cross the park's spine circulation road to reach playing fields, tot lots and other activity areas.

Plaza at Las Olas - Provision of access evaluation and conceptual design services for the 110,000 square-foot office and retail development located on Las Olas Boulevard east of SE 3 Avenue in downtown Ft. Lauderdale. The project included the eight-story office tower that was previously the Glendale Federal Bank headquarters.

Palmetto Park - Preparation of traffic and parking studies, access and internal circulation evaluations for an 8-acre, five-phase mixed use development within the City of Boca Raton's Downtown DRI redevelopment district. Comprised of five downtown city blocks, the project involved street vacations and parking garages, and just under 1,700 parking spaces. The phases included the completed Smith Barney and Merrill Lynch office buildings totaling 86,000 square feet and the 268-unit Palmetto Place condominium which includes 9,750 square feet of restaurant space and 3,250 square feet of speciality retail space, as well as a 700+ space parking garage plus surface and on-street parking. Remaining to be constructed is another 160,000 square feet of office and 9,000 square feet of retail including a walk-in bank, a 150-room hotel with restaurant, and an additional 28,000 square feet of street-front retail, and a 105-unit residential building. The shared parking study resulted in a 43% over-all reduction in parking spaces when sharing and other adjustments were considered. A provision for future utilization of mechanical parking lifts was developed in the event that over-parking occurs. Traffic services for the various phases of the project were completed over a period of 20 years, and included the design of a traffic signal and turn lanes.

Other traffic studies completed by HHI for projects within Boca Raton's Downtown Development of Regional Impact (DDRI) include Mizner on the Green, a luxury apartment complex across the street from Palmetto Place; the adjacent Townsend Place, a luxury condominium development on

Mizner Boulevard; First Union Plaza, an office/residential complex several blocks away; and the nearby prototype Publix Supermarket which features trellised parking areas and valet services.

Courtyard Distribution Center - Preparation of a traffic engineering assessment to determine the need for right- and/or left-turn auxiliary lanes into the project's east driveway. The project is located on NW 53 Street between Nob Hill Road and Hiatus Road in the City of Sunrise.

Arvida Pompano Park Internal Roadway Evaluations - Preparation of roadway and intersection capacity analyses to establish roadway geometry, turn-lane requirements, and additional access requirements for several land development alternatives for the approved business park. The site, located on the northern portion of the Pompano Race Track in Pompano Beach, Florida, is transected by Racetrack Road, a minor arterial. The Park included over 2.6 million square feet of office, flex, warehouse and retail space and a 250-room hotel.

Redevelopment/Site Planning

CityPlace - Provided traffic engineering services for the 72-acre redevelopment project on several city blocks north of Okeechobee Boulevard in downtown West Palm Beach, Florida. The \$400 million project, developed by New York-based Palladium Company, includes 620,000 square feet of retail, a dozen restaurants, theaters, parking garages and 550 residential units. The City of West Palm Beach is the land partner, granting a 75-year lease on the land to further the redevelopment of downtown West Palm Beach. Responsibilities included access permitting, parking garage access operations, development of an approved typical section for internal roadways, traffic impact analyses, corridor analyses, access and traffic signal permit negotiations with the Florida Department of Transportation and Palm Beach County, and preparation of traffic signal construction plans for three intersections and a railroad grade crossing.

Palmetto Park - Preparation of traffic and parking studies, access and internal circulation evaluations for an 8-acre, five-phase mixed use development within the City of Boca Raton's Downtown DRI redevelopment district. Comprised of five downtown city blocks, the project involved street vacations and parking garages, and just under 1,700 parking spaces. The phases included the completed Smith Barney and Merrill Lynch office buildings totaling 86,000 square feet and the 268-unit Palmetto Place condominium which includes 9,750 square feet of restaurant space and 3,250 square feet of speciality retail space, as well as a 700+ space parking garage plus surface and on-street parking. Remaining to be constructed is another 160,000 square feet of office and 9,000 square feet of retail including a walk-in bank, a 150-room hotel with restaurant, and an additional 28,000 square feet of street-front retail, and a 105-unit residential building. The shared parking study resulted in a 43% over-all reduction in parking spaces when sharing and other adjustments were considered. A provision for future utilization of mechanical parking lifts was developed in the event that over-parking occurs. Traffic services for the various phases of the project were completed over a period of 20 years, and included the design of a traffic signal and turn lanes.

Other projects completed by HHI within Boca Raton's downtown include Mizner on the Green, a luxury apartment complex across the street from Palmetto Place; the adjacent Townsend Place, a luxury condominium development on Mizner Boulevard; First Union Plaza, an office/residential complex several blocks away; and the nearby prototype Publix Supermarket which features trellised parking areas and valet services.

Gulfstream Promenade - Prepared traffic impact study and access evaluation for the redeveloping shopping center on Federal Highway and Hallandale Beach Boulevard in Hallandale Beach. Proposed and won approval for an alternative safety improvement involving the closure of an adjacent shopping center's driveway, giving that center access through Gulfstream Promenade. The eliminated driveway facilitated approval of additional Federal Highway access sought for Gulfstream Promenade.

Port Everglades Security Improvements - Assisted security consultants in determining appropriate locations for security gates within Port Everglades. Developed a model (using TSIS software) of all Port roadways proposed to have security gates and, with that model, simulated future conditions on those roadways. The model results were used to determine the number of approach lanes required at each security gate to accommodate future traffic demand without producing undesirable delays to vehicles entering the Port.

Parking

Northport Parking Garage - Evaluated future transportation infrastructure needs resulting from a 650-space expansion of the existing 2,400-space Northport Garage in Port Everglades. The garage and the proposed expansion serve a variety of land uses including the Broward County Convention Center and several cruise lines. Included in the analysis was a review of the existing garage's access and clearance requirements resulting in recommendations for the addition of an external access ramp and a new method for collecting parking fees. The internal roadway network within Port Everglades was analyzed to determine whether sufficient capacity was available to accommodate the increase in traffic generated by land uses expected to use the new garage addition. Recommendations were made for enhanced guide signing within the Port to facilitate visitor's ease of use.

Midport Parking Garage - Evaluated future transportation infrastructure needs resulting from a 300-space expansion of the existing 300-space Midport Garage in Port Everglades. The expanded garage was also designed to incorporate new Harbor Master's offices on the roof of the structure. Traffic analysis included researching cruise lines' activities and converting those schedules to projected traffic flows, analysis of internal Port roadways for adequate capacity, and addressing employee parking and access needs.

CityPlace Hibiscus Parking Garage - Provided traffic engineering services for the 72-acre

redevelopment project on several city blocks north of Okeechobee Boulevard in downtown West Palm Beach, Florida. The \$400 million project, developed by New York-based Palladium Company, includes 620,000 square feet of retail, a dozen restaurants, theaters, parking garages and 550 residential units. The City of West Palm Beach is the land partner, granting a 75-year lease on the land to further the redevelopment of downtown West Palm Beach. Responsibilities included access permitting, parking garage access and operations, development of an approved typical section for internal roadways, traffic impact analyses, corridor analyses, access and traffic signal permit negotiations with the Florida Department of Transportation and Palm Beach County, and preparation of traffic signal construction plans for three intersections and a railroad grade crossing.

Mizner Park Garage Studies - Reviewed and analyzed existing and future parking structures with regard to internal circulation, maximization of parking spaces and gated ingress and egress operations. The success of the downtown Boca Raton project resulted in considerable scrutiny of its parking facilities.

Mizner Park Residential Parking Analysis - Provided locational and design guidance to site planners in orienting appropriate garage parking within the Mizner Park mixed use project. The work included recommending operational controls that would insure availability to the project's residents.

Transit

North Lauderdale Community Bus Service - Designed and obtained governmental approval for the first traffic concurrency mitigation plan to privately fund a Community Shuttle Service to meet project traffic concurrency. Two projects located in western Broward County provided funding to mitigate their traffic impacts on several extremely congested but fully improved roadway corridors in suburban South Florida. The mitigation plan resulted in the establishment and implementation of the Community Shuttle Program in North Lauderdale. The program benefitted from a modest annual governmental grant and is operated by the municipal agency.

The mitigation approach caught the attention of Broward County's top administrators, who have directed County staff to establish parameters and guidelines to focus all future trip mitigation toward transit solutions.

New River Center Florida Quality Development - Preparation of the response to FQD/ADD Question 31, Transportation, involving urban transportation modeling, regional traffic impact analysis, and trip mitigation plan for the Tribune Company/Stiles Corporation 6-acre mixed-use project in downtown Ft. Lauderdale. The mitigation plan was developed for a one million square-foot office complex that also included 35,000 square feet of retail space and a 400-room hotel. Currently the site of the 250,000-square-foot Sun-Sentinel Building and the 287-unit River House condominium tower, the project was the first in Florida to propose and gain approval for developer-

funded transit as trip mitigation. To reduce total trips on Broward Boulevard, project owners agreed to fund the downtown feeder bus system connecting to the Broward Boulevard/I-95 Tri-Rail station. State law had previously limited traffic mitigation to construction of roadways and roadway improvements.

Downtown Miami Development of Regional Impact (DDRI) - Assisted in preparation of one of the first Downtown DRIs performed in the state. In addition to typical long range traffic forecasting and evaluation, the project required quantification of the impacts of MetroRail on the roadway network, estimates of future average auto occupancy, and acceptance of LOS E at certain locations within the downtown. Among other restrictions placed on the downtown transportation system by the approval of the DDRI, construction of future parking facilities in downtown Miami was prohibited. The policy was implemented the year after Miami's MetroRail began operations, and is credited today for the high ridership maintained by the MetroRail system.

Dania Beach Transit Service - Development of a trolley-style service system including bus stop identification, route development, headway scheduling and fee structure for implementation within the City of Dania Beach, and connecting to Broward County Mass Transit and other local transit services.

Boca Raton Tri-Rail Station and Complex - Preparation of site access analysis, feeder bus activity, pedestrian circulation, and transportation-related concurrency analysis for a new Tri-Rail station and office complex in the City of Boca Raton.

Traffic Calming

Neighborhood Traffic Calming Plans - Evaluation of existing traffic conditions and projected future traffic volumes to identify long term solutions to cut-through traffic and speeding problems on residential streets in numerous Broward County and Dade County residential neighborhoods. The studies in Ft. Lauderdale, Southwest Ranches and Coral Gables included extensive public involvement. Working with local residents and City staff, consensus was reached on traffic calming alternatives. Traffic calming devices were designed and the overall plans were implemented.

Pedestrian/Streetscape

Sunrise Boulevard CPTED Design - Participation with EDSA in the preparation of pedestrian-friendly street design that addresses viability, safety, access and neighborhood interface. The Broward County project, funded by the CPTED program, was conducted for the segment of Sunrise Boulevard between I-95 and Sears Town.

New River Center FQD, Transportation Question - Preparation of response to FQD/ADD

Question 31 involving urban transportation modeling and regional traffic impact analysis for the Stiles Corporation and Tribune Company's 6-acre mixed-use project in downtown Ft. Lauderdale. The project consists of over one million square feet of office space, 35,000 square feet of retail space and a 400-room hotel. A nexus was developed between the planned Riverwalk and the proposed project which linked transportation mitigation dollars to construction funding for Riverwalk.

Corridor Studies

Ft. Lauderdale Beach Transportation Study - Preparation of a long range assessment of roadway capacity along SR A-1-A and development of a program of phased roadway and transit improvements to facilitate peak traffic demand through the year 2014. The study was performed during a 90-day moratorium initiated by the City of Ft. Lauderdale to determine the feasibility of approving additional redevelopment along Ft. Lauderdale beach. Recommendations included adding northbound lanes along Seabreeze Boulevard between Las Olas Boulevard and the Oasis Café, adding an additional northbound lane on SR A-1-A between Harbor Drive and the Oasis Café, and other related operational improvements. Transit improvements included satellite parking facilities coupled with a circulating transit system. Neighborhood traffic operation improvements including traffic roundabouts, turn lanes, traffic signal modifications, and associated landscape and streetscape improvements. Study recommendations were unanimously approved by the City Commission, and were funded in excess of \$15 million by the City and the Florida Department of Transportation. The improvements are currently under final design.

Indian Street Bridge PD&E Study/Design Traffic Technical Memorandum - Assistance in the comparative evaluation of future travel along two major east-west corridors in Martin County. The Florida Department of Transportation prepared a PD&E Study for the proposed Indian Street Bridge and associated improvements along Martin County that would provide increased County-wide capacity over the South Fork of the St. Lucie River in Martin County. The new crossing would provide relief to the existing SR 714 corridor and the Palm City Bridge, to the north. The long contemplated project carried many controversial components, including the validity of the projected future volumes, themselves.

Sheridan Street PD&E Study/Design Traffic Technical Memorandum - Assistance in the development of the future alignment of Sheridan Street between U.S. 1 and Dixie Highway, and lying along the border between the Cities of Hollywood and Dania Beach. A major consideration was the impact of, and opportunities offered by, the right of way acquisition on redevelopment along the corridor. Though the improvements themselves were not controversial, the alignment required significant land "taking" along either the Hollywood or the Dania Beach side of the corridor, which resulted in politically opposing perspectives.

SR A-1-A Corridor Study, Hutchinson Island - Preparation of long-range planning and traffic analysis of SR A-1-A between Ft. Pierce and Sewall's Point. The project represented the first joint effort of St. Lucie County and Martin County MPOs to recognize transportation interdependence and

plan equitable solutions. The analysis involved extensive data collection and compilation to derive localized roadway capacities. Long-range forecasting required combining the Counties' FSUTMS models. The study recommended future roadway geometric requirements, and operational and safety improvements.

Powerline Road Corridor Study - Analysis of future traffic volumes and geometric design considerations along Powerline Road through Pompano Beach, Florida. The analysis identified the maximum right-of-way requirements for the corridor necessary to provide adequate levels of service at buildout of the area, and supported an Amendment to the Broward County Trafficways Plan modifying the width of the corridor.

Clint Moore Road Progression Analysis - Preparation of signal progression analysis and identification of geometric requirements, signal timing and phasing to obtain acceptable coordination and levels of service for a proposed three-signal corridor providing access to an elementary school, Broken Sound residential community and shopping center in Boca Raton, Florida.

SR A-1-A Signal Progression Analysis - Analysis of the impacts of an additional traffic signal on existing signal progression on a portion of SR A-1-A in the City of Ft. Lauderdale. Using TRANSYT-7F software, four existing traffic signals and one proposed signal were modeled. Resulted in FDOT approval of the proposed signal at the intersection of SR A-1-A and NE 30 Street.

SW 148 Avenue Corridor Study - Development of alignment, right of way and capacity studies for the proposed SW 148 Avenue that was to provide a alternative corridor to the existing SW 136 Avenue corridor which was to be taken off the Broward County Trafficways Plan.

Right-of-way Acquisition

Public Sector Projects:

Right-of-Way Acquisition Team, Office of the Attorney General (Florida) - Performed traffic analyses for the State's right-of-way acquisition team assembled by the State's Attorney General Office, which provided parallel acquisition activities augmenting the Florida Department of Transportation's right-of-way acquisition efforts. Projects assigned included extensive Palmetto Expressway widening acquisitions.

Griffin Road Right-Of-Way Condemnation Analyses - Prepared access and parking evaluations for the Florida Department of Transportation for various privately owned parcels along Griffin Road in the Town of Davie in preparation for widen the two-lane rural road to a six-lane divided arterial highway. The parcels were improved with commercial structures housing active businesses and retail sales operations.

SR 7 Value Engineering/Corridor Redevelopment Initiative - Represented the City of Miramar in a Value Engineering exercise with FDOT District 4 engineers for the U.S. 441 widening project in southern Broward County, adjacent to the City of Miramar. As a solution to the two agencies' conflicting interests of maximum land redevelopment vs. maximum right-of-way taking, Ms. Hughes devised a mutually beneficial right-of-way acquisition and revitalization program to utilize approximately \$35 million in FDOT right-of-way funds for City of Miramar revitalization and redevelopment efforts along the corridor. The program partnered the City's redevelopment authority and condemnation rights with FDOT's right-of-way acquisition funds to reduce right-of-way acquisition costs, with the City being responsible for condemning the needed right of way as part of the condemnation of the larger redevelopment area, but at a lower cost.

The American Association of State Highway and Transportation Officials presented the Value Engineering team with its Exemplary Partners Award, 2000 for the effort. Later that year, Ms. Hughes presented a program detailing the approach at the Statewide Conference of the Florida Redevelopment Association as a way to leverage transportation dollars to "jump start" reinvestment along mature urban corridors.

NE 19 Street Alley Condemnation - Served as Expert Witness for the City of Ft. Lauderdale in its efforts to condemn land for a public multi-use path (bike and pedestrian) connecting bike paths and sidewalks along SR A-1-A on Ft. Lauderdale Beach with a new multi-use path along NE 33 Avenue.

US 1/Jensen Beach Boulevard Pre-Planning Study - Preparation of intersection capacity and queuing analyses utilizing PASSER II-87 to identify turn-lane and storage requirements to establish right-of-way requirements for planned intersection improvements to this regionally significant intersection in northern Martin County. The work was undertaken for FDOT, District IV.

Private Sector Projects:

Blount Road Right-of-Way Acquisition Analysis and Representation - Performed access analysis and represented Festival Market Mall in negotiations with Broward County regarding right-of-way required for the widening of Blount Road in northwest Broward County. The negotiations included a number of conditions under which the Festival Market Mall would donate the needed right-of-way, thereby avoiding condemnation proceedings. The negotiations were complex due to the involvement of two public agencies (Broward County and the City of Pompano Beach) and two land owners (the Festival Market Mall and the adjacent Rock Lake).

Interchange Park Right-Of-Way Condemnation Analyses and Representation - Research, analysis and graphical depiction of right-of-way, limited access lines, future connection to the Homestead Extension of Florida's Turnpike, and historical property boundary changes over a period of several decades in the vicinity of the Red Road (State Road 823) parcel proposed for future business park uses in Miramar, Florida. Traffic operations, access and circulation constraints were

evaluated to determine future feasible land uses and a cost to cure.

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